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**Official Report  
of Debates  
(Hansard)**

**Monday 27 April 2009**

**Journal  
des débats  
(Hansard)**

**Lundi 27 avril 2009**

**Standing Committee on  
General Government**

Green Energy and Green  
Economy Act, 2009

**Comité permanent des  
affaires gouvernementales**

Loi de 2009 sur l'énergie verte  
et l'économie verte

Chair: David Orazietti  
Clerk: Trevor Day

Président : David Orazietti  
Greffier : Trevor Day

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Monday 27 April 2009

Lundi 27 avril 2009

*The committee met at 1417 in room 151.*

**GREEN ENERGY AND GREEN  
ECONOMY ACT, 2009  
LOI DE 2009 SUR L'ÉNERGIE VERTE  
ET L'ÉCONOMIE VERTE**

Consideration of Bill 150, An Act to enact the Green Energy Act, 2009 and to build a green economy, to repeal the Energy Conservation Leadership Act, 2006 and the Energy Efficiency Act and to amend other statutes / Projet de loi 150, Loi édictant la Loi de 2009 sur l'énergie verte et visant à développer une économie verte, abrogeant la Loi de 2006 sur le leadership en matière de conservation de l'énergie et la Loi sur le rendement énergétique et modifiant d'autres lois.

**The Chair (Mr. David Oraziotti):** Okay, everyone, we'll call the committee to order.

We're here for clause-by-clause. I'd ask that the committee stand down sections 1, 2 and 3 until we deal with the amendments to the schedules, and then we'll go back and deal with those sections. If we have agreement from the committee, we'll start with the first amendment. Mr. Tabuns?

**Mr. Peter Tabuns:** Could you explain again—sorry—what you mean by that, Mr. Chair?

**The Chair (Mr. David Oraziotti):** We want to deal with the amendments before we pass the sections. We need to stand down sections 1, 2 and 3 and move right to the amendments. We'll come back and deal with those sections once we've agreed on what amendments will be carried or not. Okay?

**Mr. Peter Tabuns:** That's clear, Chair.

**Mr. John Yakabuski:** Starting at?

**The Chair (Mr. David Oraziotti):** We'll start with schedule A, section 1. The first proposed amendment is NDP motion number 1. Mr. Tabuns, I'll just ask you to read the motion and then we can have debate on that.

**Mr. Peter Tabuns:** I move that subsection 1(1) of the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by adding the following definitions:

“‘green energy’ means energy derived from a renewable energy source or from a generation facility that is a high-efficiency heat and power facility;

“‘high-efficiency heat and power facility’ means a generation facility that uses high-efficiency technology to produce power and thermal energy from a single source

and that achieves a minimum average efficiency of 6,000 British thermal units per kilowatt hour but does not include a generation facility that uses garbage or refuse-derived fuel.”

**The Chair (Mr. David Oraziotti):** Mr. Tabuns, go ahead if you want to explain the amendment.

**Mr. Peter Tabuns:** Very simply, the intent here is to make sure that combined heat and power are included in this bill, and at the same time that the burning of waste to generate heat and power is excluded. I don't think that waste can be considered a renewable resource. The first definition is to put CHP in and the second is to exclude waste.

**The Chair (Mr. David Oraziotti):** Further debate? Ms. Broten.

**Ms. Laurel C. Broten:** We will not be accepting this amendment. The focus of the Green Energy Act is with respect to renewable energy generation. However, the aspects being advanced are important to us, and the minister has committed to reviewing future policy opportunities to address energy technologies, including geothermal, solar thermal, combined heat and power, and small-scale wind, in addition to the fact that we have currently the ability to define in regulation what each type of renewable energy would consist of.

**The Chair (Mr. David Oraziotti):** Further debate? Mr. Tabuns.

**Mr. Peter Tabuns:** I think it's important for the government to put combined heat and power into the legislation at this point. One can't assume that a government, even one committed to the bill that's before us, will be there forever, and frankly, it's to your advantage to have that defined.

Secondly, I think it should be very clear that refuse-derived waste and garbage incineration should not be considered as renewable technologies and there's constantly pressure to do so.

**The Chair (Mr. David Oraziotti):** Further debate? A motion is on the floor.

**Mr. Peter Tabuns:** A recorded vote, please.

**Ayes**

Tabuns.

**Nays**

Bailey, Broten, Jeffrey, Kular, Mitchell, Rinaldi, Yakabuski.

**The Chair (Mr. David Oraziotti):** The amendment is lost.

**Mr. Peter Tabuns:** There's room to grow, Mr. Chair.

**The Chair (Mr. David Oraziotti):** Government motion number 2: Ms. Broten?

**Ms. Laurel C. Broten:** I move that subsection 1(1) of the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by adding the following definitions:

“‘distribution system’ has the same meaning as in the Electricity Act, 1998; (‘F’)

“‘renewable energy testing facility’ means devices or structures to be used to gather information about natural conditions at the location of the structures or devices and related infrastructure and that meet such criteria as may be prescribed by the regulations; (‘F’)

“‘renewable energy testing project’ means the construction, installation, use, operation, changing or retiring of a renewable energy testing facility; (‘F’)

“‘transmission system’ has the same meaning as in the Electricity Act, 1998. (‘F’).”

**The Chair (Mr. David Oraziotti):** Go ahead if you want to speak to the motion.

**Ms. Laurel C. Broten:** The addition of the definitions of “distribution system” and “transmission system” are provided to support the basic interpretation of the act, including to support its practical and technical implementation and application.

The terms “transmission system” and “distribution system” are important to the interpretation of the definitions for “renewable energy generation facility,” “renewable energy project” and “renewable energy source,” and adding these terms to the act ensures that all essential terms relating to the transmission, distribution and generation of electricity appear in the GEA.

The addition of the definitions of “renewable energy testing facility” and “renewable energy testing project” is one of a series of amendments that will ensure that testing facilities are subject to the same approvals processes as the facilities themselves. This addresses an issue raised at committee.

**The Chair (Mr. David Oraziotti):** Further debate? Seeing none, all in favour of the motion? Opposed? Carried.

NDP motion number 3: Mr. Tabuns.

**Mr. Peter Tabuns:** I move that subsection 1(1) of the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by striking out the definition of “renewable energy source” and substituting the following:

“‘renewable energy source’ means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy, tidal forces and such other energy sources as may be prescribed by the regulations, but does not include incineration of synthetic gas from municipal solid waste; (‘source d’énergie renouvelable’).”

**The Chair (Mr. David Oraziotti):** Further comment, Mr. Tabuns?

**Mr. Peter Tabuns:** I think it's important that we close off avenues for people who are interested in using waste

to generate electricity. It was very clear in the presentations that were made in Ottawa by Mr. Rod Bryden of Plasco that he has been talking to the ministry. He is interested in producing syn gas from municipal solid waste to create electricity.

The use of municipal solid waste to create electricity undermines efforts to reduce waste and to recycle. It gives an economic incentive to companies to make sure that there is raw material for them to process and turn into fuel. I think that's a substantial mistake. You never recover as much in burning waste as you could save by reduction, reuse and recycling. I think we should be very clear that this is not a direction that the ministry will support and that this law will support.

**The Chair (Mr. David Oraziotti):** Further comment?

**Ms. Laurel C. Broten:** The government will not be accepting this motion. Energy from waste is not considered a form of renewable energy, and this will be further clarified through regulation, and accordingly, the amendment is not necessary.

**Mr. Peter Tabuns:** Just to be clear, then, the comments that were made in Ottawa by Plasco, that they've been talking with the ministry about using syngas to make electricity and selling it under the cover of this bill, is not on the table and there's not a prospect here for him to be selling power made with syngas.

**The Chair (Mr. David Oraziotti):** Further comment?

**Ms. Laurel C. Broten:** As I said, Chair, energy from waste is not considered a form of renewable energy, and there will be further clarification through regulation.

**Mr. Peter Tabuns:** Recorded vote.

**The Chair (Mr. David Oraziotti):** A recorded vote has been called for.

#### Ayes

Tabuns.

#### Nays

Bailey, Broten, Jeffrey, Kular, Mitchell, Rinaldi, Yakabuski.

**The Chair (Mr. David Oraziotti):** The motion is lost. Government motion 4: Ms. Broten.

**Ms. Laurel C. Broten:** I move that the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by adding the following section:

“Administration, community consultation

“1.1 This act shall be administered in a manner that promotes community consultation.”

This amendment requires that the Green Energy Act be administered in a manner that promotes community consultation. As provisions of the act are implemented, the Ministry of Energy and Infrastructure will consider and provide for opportunities for community consultation.

The amendment responds to several deputations before the committee that have indicated interest in stronger opportunities for public and local input—

*Interjection.*

**The Chair (Mr. David Oraziotti):** Government motion 4. Ms. Broten, do you have that?

**Ms. Laurel C. Broten:** I do. Thank you very much, Chair.

I move that the definition of “technologies” in subsection 1(1) of the Green Energy Act, 2009, as set out in schedule A to the bill, be struck out.

The term “technologies” is being deleted in order to provide enhanced flexibility to define this term in the future by means of regulation. Matters relating to technology will require further refinement that may be addressed through regulations made under subsection 17(4).

**The Chair (Mr. David Oraziotti):** Further comment?

Seeing none, all those in favour? Opposed? The motion is carried.

Government motion 5: Ms. Broten.

**The Clerk of the Committee (Mr. Trevor Day):** No, no.

**Mr. Peter Tabuns:** We have a 4.1.

**Mr. John Yakabuski:** I don't have a 4.1.

**The Clerk of the Committee (Mr. Trevor Day):** It's a small package that was handed out at the last minute.

**The Chair (Mr. David Oraziotti):** Government motion 4.1.

**Ms. Laurel C. Broten:** Government motion 4.1 is not being moved.

**The Clerk of the Committee (Mr. Trevor Day):** Government motion 4.1 is not being moved?

**The Chair (Mr. David Oraziotti):** It's being withdrawn?

**The Clerk of the Committee (Mr. Trevor Day):** No, it's not moved. Now it's 5.

**Ms. Laurel C. Broten:** Government motion 5.

**The Chair (Mr. David Oraziotti):** Committee, shall schedule A, section 1, as amended, carry? All those in favour? Opposed? Carried.

A new section, schedule A, section 1.1, government motion 5: Ms. Broten.

**Ms. Laurel C. Broten:** I move that the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by adding the following section:

“Administration, community consultation

“1.1 This act shall be administered in a manner that promotes community consultation.”

The amendment will require that the Green Energy Act be administered in a manner that promotes community consultation. As provisions of the act are implemented, the Ministry of Energy and Infrastructure will consider and provide for opportunities for community consultation.

The amendment responds to several deputations before the committee where indications of interest were advanced with respect to stronger opportunities for public and local input.

1430

**The Chair (Mr. David Oraziotti):** Further debate or comment?

**Mr. John Yakabuski:** Is this an addition? We just did schedule A.

**The Chair (Mr. David Oraziotti):** It's a new section: schedule A, section 1.1. It's a government motion. It would go between sections 1 and 2. So a new section, single motion, government motion 5.

**Mr. John Yakabuski:** So this is an addition, then?

**The Chair (Mr. David Oraziotti):** New section.

**Mr. John Yakabuski:** Adding the following section?

**The Chair (Mr. David Oraziotti):** Right, new section.

Further debate? Seeing none, all those in favour? Opposed? The motion is carried.

Schedule A, section 2. This is Conservative motion 5.1. Mr. Yakabuski or Mr. Bailey.

**Mr. John Yakabuski:** Oh, ours weren't put in the pile here. Oh, my goodness.

I move that section 2 of the Green Energy Act, 2009, as set out in schedule A to the bill, be amended

“(a) by striking out ‘or to lease, for a term in excess of the prescribed period,’ in the portion before clause (a) in subsection (1); and

“(b) by striking out ‘or to lease’ at the end of subsection (3).”

**The Chair (Mr. David Oraziotti):** Further comment, Mr. Yakabuski, if you want to explain the motion.

**Mr. John Yakabuski:** I'll get to that in a second, Chair. I'm looking for my amendments.

This amendment would remove the requirement for an energy audit when leasing a property. I'm not sure if the government has an amendment to deal with this at another part.

**Ms. Laurel C. Broten:** Chair—

**The Chair (Mr. David Oraziotti):** Ms. Broten, go ahead. Do you want to respond?

**Ms. Laurel C. Broten:** Although the government agrees with the policy direction of this proposed amendment, government amendment 6R speaks to the identical issue with respect to leased properties. If there was a mechanism to deal with that one in advance, it might be appropriate.

**The Chair (Mr. David Oraziotti):** Okay. Further comment?

**Mr. John Yakabuski:** Where is that, Ms. Broten? Which motion number?

**Ms. Laurel C. Broten:** That's 6R.

**The Chair (Mr. David Oraziotti):** Government motion 6R. It's a smaller, separate package that was provided to members. It says “6R” in the top right corner.

Conservative motion 5.1 is on the floor—

**Mr. John Yakabuski:** Yes, we might as well rule, because I don't think it said anything about leased property in there.

**The Chair (Mr. David Oraziotti):** Further debate on 5.1? Ms. Broten.

**Ms. Laurel C. Broten:** As I said, the government agrees with the policy direction of the proposed amendment, but we will be introducing our own motion, 6R, which also removes the reference to leased properties in

the newly defined provision that we will be bringing forward in 6R.

**The Chair (Mr. David Oraziotti):** Further comment on 5.1? Seeing none, all those in favour of Conservative motion 5.1? Opposed? The motion is lost.

Government motion 6R. Ms. Broten.

**Ms. Laurel C. Broten:** I move that section 2 of the Green Energy Act, 2009, as set out in schedule A to the bill, be struck out and the following substituted:

“Mandatory home efficiency disclosure

“2(1) A person making an offer to purchase an interest in real property has the right to receive from the person offering to sell the property such information, reports or ratings as are prescribed,

“(a) relating to energy consumption and efficiency with respect to a prescribed residence on the property or a class of prescribed residences on the property; and

“(b) in such circumstances and at such times as are prescribed and in such manner as is prescribed.

“Provision before accepting offer

“(2) The person offering to sell the property shall, in accordance with subsection (1), provide the information, reports or ratings to the person making the offer to purchase before accepting that person’s offer.

“Waiver

“(3) Subsections (1) and (2) do not apply where the person making the offer waives, in writing, the provision and receipt of the information, reports or ratings.

“Agent

“(4) A person acting as an agent on behalf of the person offering to sell shall inform that person promptly of any request for the information, reports or ratings.

“Same

“(5) Subsection (5) applies only to agents acting for or in anticipation of receiving valuable consideration with respect to the offer to sell.

“Make available

“(6) In this section, the obligation to provide information, reports or ratings is satisfied where the person offering to sell makes the information, reports or ratings reasonably available to the person making the offer to purchase.”

**The Chair (Mr. David Oraziotti):** Just for clarification purposes here, this replaces government motion 6.

**Ms. Laurel C. Broten:** Yes.

**The Chair (Mr. David Oraziotti):** Okay. So 6R—if you want to make any further comment on that?

**Ms. Laurel C. Broten:** Yes.

**The Chair (Mr. David Oraziotti):** Go ahead.

**Ms. Laurel C. Broten:** The motion replaces the requirement made of the seller to make information reports or ratings related to the energy efficiency of the home available to any prospective homebuyer, with a new requirement that a seller must provide to the prospective homebuyer, only upon receiving an offer to buy, this same information. The requirement can be waived by mutual consent on the basis of a written document noting such consent. The motion results in the mandatory re-

quirement to provide energy-efficiency information being made more flexible by allowing both parties to opt out.

**The Chair (Mr. David Oraziotti):** Further comment?

**Mr. John Yakabuski:** We have a suggestion that we just remove that section from the bill. We’ll be doing that as a notice, because all they’re doing here is really nullifying the section. The minister just doesn’t want to admit how wrong he was, so he’s trying to fudge all around it. But the reality is that it has now become a voluntary process, which it was before the bill was ever enacted. If he just wanted to do the right thing, he’d just simply remove the section with regard to energy audits and we’d move on from there, but he has a tough time admitting that he blew this one.

**The Chair (Mr. David Oraziotti):** Further comment?

**Ms. Laurel C. Broten:** I disagree with the characterization being advanced by Mr. Yakabuski. In effect, there’s now a two-part requirement: The seller must provide the prescribed information if requested by a potential purchaser, and even if not requested, the seller cannot accept an offer unless the information is disclosed, unless the buyer opts out. Essentially, the buyer can opt out if the audit is not desired. For example, initiatives that we heard before committee with respect to major renovations or a contemplated demolition—it’s also the commitment for a regulation that will focus the initiative on principal residences and single-family homes and an assurance that the audit will be transferable.

**The Chair (Mr. David Oraziotti):** Any further comment?

**Mr. John Yakabuski:** Those are the current circumstances. The buyer can request an energy audit today, just like they can request a home inspection or, in the case of a rural place like where I live, a septic inspection or any of those kinds of things, which the seller must provide if they want to proceed with the sale of the home. So as I say, we’re just jiggling the wording here to get around the fact that it was a bad idea in the first place, and if we just removed the whole section, we’d actually accomplish what we’re doing here without having to create more paper, more laws.

**The Chair (Mr. David Oraziotti):** Any further comment or debate? Seeing none, all those in favour of government motion 6R? Opposed? The motion is carried.

The next item is Conservative notice 6.1. Would you like to speak to this section?

**Mr. John Yakabuski:** Well, we know where this one’s going.

**The Chair (Mr. David Oraziotti):** You don’t need to read it in, but if you’d like to speak to it, you can just speak to the section. You don’t need to read this in.

**Mr. John Yakabuski:** Again, we’re filing a notice that we simply remove this section of the bill, because once the government decided that the energy audits would be voluntary as opposed to mandatory and that the purchaser could opt out of them—quite frankly, the seller was never going to be offering them; it was only going to be at the request of the purchaser. So it really renders the section of the bill moot, so our position was that we

should simply remove that section. I don't think I'm going to get the support of the government caucus on this one.

1440

**The Chair (Mr. David Oraziotti):** Any further debate on notice 6.1? Ms. Broten.

**Ms. Laurel C. Broten:** Obviously, the government rejects the recommendations. It's inconsistent with the government's desire to build a culture of conservation, to enable disclosure of energy efficiency to potential homeowners who wish to know the energy efficiency of properties that they offer to buy. The characterization of the status quo is inaccurate in this instance. Under the new legislation, the buyer will have access to that information unless there is an opt-out by both parties, mutual consent on the basis of a written document noting such consent.

**The Chair (Mr. David Oraziotti):** Members, we're voting on schedule A, section 2, as amended. Shall section 2, as amended, carry? All those in favour?

**Mr. John Yakabuski:** Do we get to vote on the motion?

**The Chair (Mr. David Oraziotti):** It's included in the schedule, so we're not voting on it individually. Again, all those in favour of schedule A, section 2, as amended? Shall it carry? All those in favour? Opposed? The section, as amended, is carried.

Conservative motion 6.2. Mr. Yakabuski.

**Mr. John Yakabuski:** I move that section 3 of the Green Energy Act, as set out in schedule A to the bill, be amended by adding the following subsection:

"Rental housing

"(5) Despite subsection (4), the Lieutenant Governor in Council may, by regulation, designate goods, services and technologies in order to promote energy conservation in respect of rental housing despite a restriction imposed by an act or regulation, including a restriction imposed under the Residential Tenancies Act, 2006."

This basically deals with sub-metering in apartments, where we believe that if you're truly concerned about conservation, everybody should be paying for the energy they use, not what the building uses as a whole. That was stated quite eloquently by Mr. Chopowick when he spoke on behalf of the providers of rental housing: If you're only going to take the entire bill and chop it up, no pun intended, equally among all users, you're not accomplishing the goal of energy conservation. If each individual tenant in the building was responsible for his or her hydro, that would in fact improve the energy conservation intent that we hear is supposed to be a big part of this bill.

Also, it would allow us to identify units in which possible illegal activity was going on, because it would clearly show that the electricity use in those units was much higher than the average. We've seen that in grow-ops throughout the province, where they use a rental unit to grow their marijuana and stuff. Unless you've got a sub-meter, it's very hard to be sure. All you see is that the hydro use of the building is known but not of each individual unit. That's why we're proposing that. We

truly believe that if you support conservation and reduction in the use of energy and the waste of energy and reduction in greenhouse gases, each tenant should be metered, where possible, for their energy use.

**The Chair (Mr. David Oraziotti):** Further comment? Mr. Tabuns.

**Mr. Peter Tabuns:** I'm not going to spend a lot of time on this, but I do want to get it on the record that there's a huge problem when you have a division of responsibility for the state of a building and its ability to conserve energy and the allocation of payment of energy bills to a tenant. When I was at the city of Toronto as a councillor, we were trying to promote conservation in commercial buildings and we constantly ran into this problem, that the people who own the buildings didn't pay the energy bills; they were paid by the tenants. The tenants didn't own the building and didn't have the money or interest in investing in the building to reduce its energy consumption and thus, we had gridlock, except for some very limited applications.

So what's being proposed is going to be hugely problematic in the residential tenancy area. Tenants are not going to upgrade the windows so they're triple-paned; they can't afford that. They are not going to put insulation in the walls. If you have the tenants pay for the energy then the landlords have no incentive whatsoever to actually make the investments necessary to substantially reduce energy consumption. You have to have that investment first. Until a very large-scale program of energy, conservation retrofits is put in place in this province, this amendment will be counterproductive.

**The Chair (Mr. David Oraziotti):** Further comment? Ms. Broten?

**Ms. Laurel C. Broten:** The government rejects the recommendation. The RTA currently has unproclaimed sections that deal with the implementation of smart metering in residential rental buildings. Once proclaimed, these sections and the associated regulations will facilitate the implementation of smart metering in rental buildings.

**The Chair (Mr. David Oraziotti):** Any further comment? Conservative motion 6.2: All those in favour?

**Mr. Peter Tabuns:** Recorded vote.

#### Ayes

Bailey, Yakabuski.

#### Nays

Broten, Jeffrey, Kular, Mitchell, Rinaldi, Tabuns.

**The Chair (Mr. David Oraziotti):** The motion is lost. Schedule A, section 3: Shall it carry? All those in favour? Carried.

Government motion 7, Ms. Broten?

**Ms. Laurel C. Broten:** Ms. Mitchell's going to read for a moment.

**Mrs. Carol Mitchell:** I move that section 4 of the Green Energy Act, 2009, as set out in schedule A to the bill, be amended

(a) by striking out “or renewable energy sources” in the portion of subsection (1) before paragraph 1 and substituting “renewable energy sources or renewable energy testing projects”;

(b) by striking out “permitted to undertake” in subsection (2) and substituting “permitted to engage in”;

(c) by striking out “or a designated renewable energy source” in subsection (2) and substituting “a designated renewable energy source or a designated renewable energy testing project”; and

(d) by striking out “or a designated renewable energy source” in subsection (3) and substituting “a designated renewable energy source or a designated renewable energy testing project.”

**The Chair (Mr. David Oraziotti):** Ms. Broten, comment?

**Ms. Laurel C. Broten:** This is one of a series of amendments that would ensure that testing facilities are subject to the same approvals processes as the facilities themselves. For example, these amendments—if not approved, then a wind testing tower on crown land would be subject to an environmental assessment process even though the proposed facility itself would be subject to the new environmental permit regime. This amendment ensures that renewable energy testing projects will also be subject to the new environmental permit regime.

**The Chair (Mr. David Oraziotti):** Further comment or debate? All those in favour of government motion 7? Carried.

NDP motion 8: Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** I move that section 4 of the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by adding the following subsection:

“Same

“(5) Subsections (2) and (3) do not apply with respect to a restriction imposed under the development permit system established under the Niagara Escarpment Planning and Development Act.”

I want to say very briefly that there is good reason to locate renewable energy installations as broadly as possible in the province, but there are areas that will have to be protected: the Niagara Escarpment and, further in this package, other amendments around biosphere reserves. There are some that should be protected from development even if, in my eyes, it’s a positive development. This would allow the Niagara Escarpment Commission to continue to provide permits and oversee development in the area that they’re responsible for.

1450

**The Chair (Mr. David Oraziotti):** Further comment? Ms. Broten.

**Ms. Laurel C. Broten:** The government will not be supporting this amendment. We’ve been clear that existing laws, such as the Niagara Escarpment act, will continue to apply. The government will ensure the protection of public health and safety and the natural environment

through the new streamlined approval process and existing protection in the Niagara Escarpment plan.

**The Chair (Mr. David Oraziotti):** Further comment?

**Mr. Peter Tabuns:** Recorded vote.

### Ayes

Bailey, Tabuns, Yakabuski.

### Nays

Broten, Jeffrey, Kular, Mitchell, Rinaldi.

**The Chair (Mr. David Oraziotti):** The motion is lost. Conservative motion 8.1: Mr. Yakabuski, go ahead.

**Mr. John Yakabuski:** I move that section 4 of the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by adding the following subsection:

“Same, fish and wildlife protection

“(5) For greater certainty, subsections (2) and (3) do not apply with respect to a restriction imposed by an act or regulation or by an instrument for the protection of fish or wildlife.”

Bill 150 should be harmonized with existing successful conservation legislation so that it cannot trump fish and wildlife protection. Section 4 permits the Lieutenant Governor in Council to designate renewable energy projects or renewable energy sources for the following purposes: to assist in the removal of barriers to and to promote opportunities for the use of renewable energy sources, and to promote access to transmission systems and distribution systems for proponents of renewable energy projects.

This amendment exempts protection of fish and wildlife from:

“Effect of designation

“(2) A person is permitted to undertake activities with respect to a designated renewable energy project or a designated renewable energy source in such circumstances as may be prescribed, despite any restriction imposed at law that would otherwise prevent or restrict the activity, including a restriction established by a municipal bylaw, a condominium bylaw, an encumbrance on real property or an agreement....

“(3) A restriction imposed at law that would otherwise prevent or restrict an activity with respect to a designated renewable energy project or a designated renewable energy source is inoperative to the extent that it would otherwise prevent or restrict the activity.”

**The Chair (Mr. David Oraziotti):** Further debate? Ms. Broten?

**Ms. Laurel C. Broten:** Sorry, Chair, are we on—

**Mr. Lou Rinaldi:** Motion 8.1.

**Ms. Laurel C. Broten:** —8.1?

**The Chair (Mr. David Oraziotti):** Correct.

**Ms. Laurel C. Broten:** All right. The government rejects the motion. The proposed Green Energy Act clearly establishes that subsections 4(2) and (3) do not apply with respect to a restriction imposed by an act or regu-

lation. This existing restriction would include all existing acts or regulations for the protection of fish and wildlife, and the inclusion of this subsection, accordingly, would not serve any specific purpose.

**The Chair (Mr. David Oraziotti):** Further debate? Further comment? Mr. Tabuns? Okay.

**Mr. John Yakabuski:** Recorded vote.

#### Ayes

Bailey, Yakabuski.

#### Nays

Broten, Jeffrey, Kular, Mitchell, Rinaldi, Tabuns.

**The Chair (Mr. David Oraziotti):** The motion is lost. NDP motion 9: Mr. Tabuns.

**Mr. Peter Tabuns:** I move that section 4 of the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by adding the following subsection:

“Same, biosphere reserves

“(6) Subsections (2) and (3) do not apply to lands in Ontario designated as biosphere reserves.”

Again, following on the resolution to protect the Niagara Escarpment Commission, there are areas in particular that should be noted as being exempt from development, given prior commitments to biological preservation, and biosphere reserves in particular deserve that protection. I call on the government to support this resolution.

**The Chair (Mr. David Oraziotti):** Ms. Broten?

**Ms. Laurel C. Broten:** The government will not be supporting this amendment. With respect to the earlier amendment, we’ve been clear that existing laws, such as the Niagara Escarpment act, will continue to apply. The government will ensure the protection of public health and safety and the natural environment through the new streamlined approval process and existing protection in provincial plans, such as the Niagara Escarpment plan.

**The Chair (Mr. David Oraziotti):** Further debate or comment?

NDP motion 9: All those in favour?

**Mr. Peter Tabuns:** Recorded vote.

#### Ayes

Tabuns.

#### Nays

Broten, Jeffrey, Kular, Mitchell, Rinaldi.

**The Chair (Mr. David Oraziotti):** The motion is lost. Shall schedule A, section 4, as amended, carry? Carried.

The new section the NDP is proposing, motion number 10: Mr. Tabuns.

**Mr. Peter Tabuns:** I move that the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by adding the following section:

“Specific rules re condominiums, agreements

“4.1(1) Subsection 112(1) of the Condominium Act, 1998 does not apply to the following types of agreements:

“1. Loans to a condominium corporation or to whom-ever the condominium corporation has directed that have been fully advanced and that facilitate and promote environmentally friendly and energy-efficient projects or that promote the development of renewable energy sources for new or existing condominiums.

“2. Agreements, easements or leases involving the development of green energy systems for a condominium corporation, including the provision of equipment, labour, materials, supplies and services with respect to a green energy system, that are entered into by a condominium corporation.

“3. Agreements entered into by a condominium corporation pursuant to a municipal program to facilitate the development of energy conservation and the use of renewable energy.

“Same, enforcement

“(2) Sections 130, 131 and 134 of the Condominium Act, 1998 apply, with necessary modifications, with respect to the agreements referred to in subsection (1), and any party to such an agreement is deemed to be a person who can make an application under those sections.”

There’s an ongoing problem with providing financing for energy-efficiency improvements to condominium buildings. Because the Condominium Act allows boards of newly created condominiums to cancel contracts that have been set up prior to their coming to power, there is disinterest in providing financing for energy efficiency or renewable energy in condominium corporations. This would allow those investments to go ahead with some security that, in fact, loans would be repaid. It’s critical, if we’re actually going to get these buildings to be as efficient as they need to be.

**The Chair (Mr. David Oraziotti):** Ms. Broten.

**Ms. Laurel C. Broten:** From the government perspective, we don’t disagree with the intent of what is being advanced. We have been clear that we want to encourage more renewable energy in Ontario. We do have concerns and are unable to support the amendment at this time because not all stakeholders in this sector have been consulted and concerns have been raised in a motion that undertakes consequential amendments with potential for unintended impacts. We believe it requires broader consultation to fully understand the implications of such changes. We think it is something that we should consider in the future upon appropriate and more extensive stakeholder consultation.

**The Chair (Mr. David Oraziotti):** Further debate or comment? Mr. Tabuns.

**Mr. Peter Tabuns:** I’ll just say that if you’re actually going to have substantial investment in energy efficiency, given that condominium buildings are going up even in a

recession—construction seems to be continuing on—you need to put in place a change that will allow investment to happen.

I understand the argument that the government is making on this, but to not pass this amendment will substantially reduce opportunities for energy efficiency that will be very difficult to capture in the future. I would urge the government, notwithstanding the argument made, to support this amendment.

**The Chair (Mr. David Orazietti):** Further comment? NDP motion number 10—

**Mr. Peter Tabuns:** Recorded vote.

### Ayes

Tabuns.

### Nays

Broten, Jeffrey, Kular, Mitchell, Rinaldi.

**The Chair (Mr. David Orazietti):** The motion is lost and so is the section.

Conservative motion 10.1: Mr. Yakabuski.

### 1500

**Mr. John Yakabuski:** I move that the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by adding the following section:

“Electricity from wind, epidemiological study

“4.1(1) Despite section 4, no renewable energy projects or renewable energy sources that involve a renewable energy generation facility that generates electricity from wind shall be designated until after there has been an independent epidemiological study of the health effects of generating electricity from wind.

“Peer review and safe setbacks

“(2) The independent epidemiological study of the health effects of generating electricity from wind shall be peer-reviewed and, without limiting the generality of the study, shall consider safe setbacks for renewable energy generation facilities that generate electricity from wind.”

This amendment would require an epidemiological study of the health effects of industrial wind turbines. We’ve heard that request made at various points in our committee hearings. Just a few short months ago, the minister basically called these people “quacks,” and now he has already talked about instituting an academic chair with the Ministry of the Environment to study it.

What we’re saying is that we need to do this study so that we can settle this issue once and for all. The people who have come before this committee asking for it have agreed to be bound by the findings of an independent, mutually agreed-to third party. This is something that I think the government would be wise to move on with and deal with the issue as expeditiously as possible.

**The Chair (Mr. David Orazietti):** Further debate? Ms. Broten.

**Ms. Laurel C. Broten:** Under the proposed Green Energy and Green Economy Act, we will be developing

improvements to the environmental approval process for renewable energy projects that will be protective of human health and the environment.

As has been said, since the introduction of the bill we have heard Ontarians’ concerns about the health impacts related to renewable energy, particularly wind turbines, and we’re listening. We’re taking several steps immediately to ensure this proposed legislation responds to what we have heard.

We will be bringing forward an amendment to the proposed legislation relating to the grounds for a third party appeal before the Environmental Review Tribunal. Some people raised concerns that the grounds specifically restricted appeals on the basis of health concerns, and as that was not our intention, we will be adjusting the proposed legislation accordingly.

If the bill is passed, the Ministry of the Environment will be bringing forward regulations setting out requirements that renewable projects will have to meet in order to get an approval, and this is anticipated to include a series of setbacks for wind turbines based on noise, including a minimum setback. This will provide certainty to those in proximity to a project—a requirement to ensure no perceptible low-frequency noise, either audible or felt as vibration for wind turbine projects, if it causes an adverse effect on people, plants or animals. It is anticipated that proponents of future renewable energy projects will be required to monitor low-frequency noise to ensure this requirement is met.

The Ministry of the Environment will ensure these regulations are met through enforcement and compliance measures. We will be bringing forward the details of these requirements and the implementing regulations very soon. The public will be consulted on our proposed approval requirement and we will take the comments we receive into consideration prior to finalizing our protective framework for renewable energy projects. As always, we base our protections around sound science and always strive for continuous improvement.

If the bill is passed and regulations are made, and should new information come to light, we will review and amend as necessary our requirements, as we do for all other environmental standards today.

The province will also encourage leading-edge science by establishing and funding an academic research chair for the ongoing study of renewable energy technologies and health.

**The Chair (Mr. David Orazietti):** Further comment?

Conservative motion 10.1, schedule A, section 4.1: Shall the motion carry? All those—

**Mr. John Yakabuski:** Recorded vote.

### Ayes

Bailey, Yakabuski.

### Nays

Broten, Jeffrey, Kular, Mitchell, Tabuns.

**The Chair (Mr. David Oraziotti):** The motion is lost. Section 5, schedule A, NDP motion 11: Mr. Tabuns?

**Mr. Peter Tabuns:** I move that subsections 5(1) to (4) of the Green Energy Act, 2009, as set out in schedule A to the bill, be struck out and the following substituted:

“Energy conservation, demand management and adoption of renewable energy plans

“Public agencies

“5(1) The Lieutenant Governor in Council may, by regulation, require public agencies to prepare an energy conservation, demand management and adoption of renewable energy plan.

“Prescribed consumers

“(2) The Lieutenant Governor in Council may, by regulation, require prescribed consumers to prepare an energy conservation, demand management and adoption of renewable energy plan.

“Same, regulations

“(3) The regulations may provide that the plan required under subsection (1) or (2) cover such period as is prescribed and may be required at such intervals as are prescribed and may require that the plan be filed with the ministry.

“Specified targets and standards, public agencies

“(4) The Lieutenant Governor in Council may, by regulation, require a public agency to achieve prescribed targets and meet prescribed energy and environmental standards, including standards for energy conservation, demand management and adoption of renewable energy.”

**The Chair (Mr. David Oraziotti):** Further comment? Ms. Broten?

**Ms. Laurel C. Broten:** The government’s policy intent at this time is to require public agencies to become aware of their energy consumption, be able to benchmark against comparable public agencies, identify actions which can be taken and to make their plans public. While reporting on progress and implementing these plans is expected, there will be no requirement to adopt specific actions. Efforts to increase the adoption of renewable energy generated by public agencies are more appropriately addressed through programs and capital budget initiatives, as we have been doing.

We’re providing opportunities to invest in renewable energy plans and will continue to do that in the future. We’re giving municipalities and LDCs the opportunity to invest in renewable energy projects—for example, the recent announcement of \$550 million for school retrofits—and we’ll continue to find ways to encourage partnerships with private sector investors.

**The Chair (Mr. David Oraziotti):** Further comment? Mr. Tabuns?

**Mr. Peter Tabuns:** The idea that public agencies should reduce their energy consumption, their electricity demand, and install renewable energy is not a terribly revolutionary idea. It is simply consistent with the government’s overall call for action on climate change, with the statements that have been made by the minister about the importance of getting on with green energy and about the need for creation of employment and, finally, in terms

of the need to help agencies save money and protect themselves from the volatility of energy prices in the future. All of these things will be necessary.

If you were to say that agencies should report on their actions to prevent fire from taking place in their buildings, you wouldn’t just say, “We’d like to know what they’re going to do some day.” We’d say, “You have to take action to make sure the buildings are safe, that the risk of fire is reduced.” Anything that’s put forward in this amendment is simply in keeping with what the government has been saying is its policy direction. I would ask for members of all parties to support this resolution.

**The Chair (Mr. David Oraziotti):** Any further debate? NDP motion number 11.

**Mr. Peter Tabuns:** Recorded vote.

#### Ayes

Bailey, Tabuns, Yakabuski.

#### Nays

Broten, Jeffrey, Kular, Mitchell.

**The Chair (Mr. David Oraziotti):** The motion is lost. Conservative motion 11.1: Mr. Yakabuski.

**Mr. John Yakabuski:** You can support one of ours.

**Mr. Peter Tabuns:** I may well.

**Mr. John Yakabuski:** Highly unlikely.

I move that section 5 of the Green Energy Act, 2009, as set out in schedule A to the bill, be amended:

(a) by striking out subsection (2);

(b) by striking out “or (2)” in subsection (3);

(c) by striking out subsection (6); and

(d) by striking out “or prescribed consumer” in subsection (8).

Subsection 5(2), “prescribed consumers,” which is demanding that consumers must prepare conservation plans, is inappropriate and should be removed.

#### 1510

Amend subsection (3) to only include public agencies, and remove subsection (6) for the same reasons. And subsection (8): Remove reference to “prescribed consumer.”

**The Chair (Mr. David Oraziotti):** Further comment?

**Ms. Laurel C. Broten:** The government does not accept the amendment. The authority currently set out in the statute is permissive. The provision provides flexibility and would only be used in consultation with consumers who were to be prescribed.

**The Chair (Mr. David Oraziotti):** Any further comments? Seeing none, all those in favour?

**Mr. John Yakabuski:** Recorded vote.

#### Ayes

Bailey, Yakabuski.

### Nays

Brotten, Jeffrey, Kular, Mitchell, Tabuns.

**The Chair (Mr. David Oraziotti):** The motion is lost. Shall schedule A, section 5, carry? All those in favour? Opposed? It's carried.

Schedule A: Sections 6, 7 and 8 do not have any proposed amendments. If we could vote on those—all those in favour? Opposed? They're carried.

NDP proposal, a new section, schedule A, section 8.1: motion number 12, Mr. Tabuns.

**Mr. Peter Tabuns:** I move that the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by adding the following section:

“Community power financing and capacity-building

“8.1(1) The minister shall establish a comprehensive financing program and fund one or more entities to accelerate the development of eligible renewable energy projects and energy conservation projects and the resultant benefits to Ontarians, regardless of financial market conditions.

“Same

“(2) The program shall include, but not be limited to, the following functions necessary to ensure the community power sector is successful in Ontario:

“1. Soft loans and grants to provide community power projects requiring funding to cover the soft cost of project development work at early stages, including but not limited to pre-feasibility grants, capacity-building grants, feasibility loans and project development loans.

“2. Capitalization loans to eligible community power projects in order to simplify access to low-cost debt to allow proponents to retain control and ownership of projects.

“3. Capacity-building support for the community power sector proponents requiring resources to build the financial, technical, social, legal and organizational templates and practices associated with the facilitation and development of locally owned community-based renewable energy and conservation projects.”

**The Chair (Mr. David Oraziotti):** Further debate?

**Ms. Laurel C. Brotten:** The government does not accept the motion, although we appreciate the intent being advanced. The intent of this motion is dealt with in government motion 35, which provides the minister directive power for the OPA to establish funds for the participation of community groups in the development of renewable energy generating facilities.

**The Chair (Mr. David Oraziotti):** Any further debate or further comment?

**Mr. Peter Tabuns:** Yes, if I could just say—

**The Chair (Mr. David Oraziotti):** Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** Thank you, Chair. I read amendment 35 as well, and I don't see it as being a negative one, but this, I think, is far more directive and comprehensive. If we're going to have acceptance for renewable energy across Ontario, it has to be very clear that there

will be programs put in place to make sure that they happen. The minister and the OPA, through this legislation, should be given, I think, fairly clear direction as to what has to happen.

In the presentations made last Thursday, the round table on the Green Energy Act, it was very clear that part of the success of the Danish experience has been their ability to develop support and ownership at the community level for renewable projects. To the extent that there is not an energetic, well-funded, directed program to allow ownership and direction at the community level, there will be more resistance to renewable energy projects. This amendment is meant to make the promise of renewable energy far more achievable, far more feasible.

**The Chair (Mr. David Oraziotti):** Further comment?

**Mr. John Yakabuski:** All along we've been speaking about how we're concerned about the impacts on the price of electricity under this act. In fact, this amendment would not make it cheaper. If anything, it would make it more expensive because the government would be more involved in the financing of these projects. That's why they have a feed-in tariff model, which has different prices for community projects as well. I think that I would have to say that I could not support this amendment. We are worried about the price.

**The Chair (Mr. David Oraziotti):** Any further comment?

**Mr. Peter Tabuns:** Recorded vote.

### Ayes

Tabuns.

### Nays

Brotten, Jeffrey, Mauro, Mitchell.

**The Chair (Mr. David Oraziotti):** The motion is lost. That means the new section will not be added.

New section proposed, schedule A, section 8.2: NDP motion 13.

**Mr. Peter Tabuns:** I move that schedule A of the bill be amended by adding the following section:

“Green bonds

“8.2(1) The minister shall develop and implement a green bond program within one year after the coming into force of the Green Energy and Green Economy Act, 2009.

“Same

“(2) Through the green bond program, the government shall lend its risk rate for the issuance of bonds to raise money for the public and the money raised shall be disbursed as low-cost debt capital for renewable energy projects with preferential pricing and tax credits for seniors and low-income or fixed-income citizens.”

The idea, very simply, is that we expand the amount of capital available to invest in renewable energy projects. There would be an interest, I think, out there in this kind of investment, and it would put the government in a

position where it would be able to draw more funds, more investment, into this whole sector.

**The Chair (Mr. David Orazietti):** Further comment on motion 13?

**Ms. Laurel C. Broten:** I query whether this motion is within the scope of the Green Energy Act. Measures requested would require special consideration as part of a money bill.

**The Chair (Mr. David Orazietti):** According to legislative counsel, it does not concern money, and it is an acceptable motion to be debated.

**Ms. Laurel C. Broten:** Thank you for your ruling, Chair. The government's position is that, regardless, this would require further consultation and study as a result of potential fiscal implications.

**The Chair (Mr. David Orazietti):** Any further comment or debate?

**Mr. Peter Tabuns:** Just very simply, if we're actually going to have very large-scale green energy development in Ontario, you have to mobilize across a broad front. This increases the options the government has to actually put people to work and to mobilize capital in Ontario. I don't think it should turn down the opportunity.

**The Chair (Mr. David Orazietti):** Any further comment?

**Mr. Peter Tabuns:** Just a recorded vote when it comes to it.

#### Ayes

Tabuns.

#### Nays

Broten, Jeffrey, Mauro, Mitchell.

**The Chair (Mr. David Orazietti):** The motion is lost. Schedule A, section 9: NDP motion 14. Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** I move that clause 9(2)(c) of the Green Energy Act, 2009, as set out in schedule A to the bill, be struck out and the following substituted:

"(c) specifying such other requirements relating to energy conservation, energy efficiency and the adoption of renewable energy technologies as the minister considers appropriate."

**The Chair (Mr. David Orazietti):** Any other comments, Mr. Tabuns?

**Mr. Peter Tabuns:** No. It follows from the need to expand investment in renewable energy.

**The Chair (Mr. David Orazietti):** Okay. Ms. Broten.

**Ms. Laurel C. Broten:** The government will be accepting this amendment. It's in line with government intentions and the focus of the act.

**The Chair (Mr. David Orazietti):** Any further comment? NDP motion 14: All those in favour? The motion is carried.

There are no more amendments in this section. Shall schedule A, section 9, as amended, carry? All those in favour? Carried.

#### 1520

Schedule A, section 10, NDP amendment number 15: Mr. Tabuns.

**Mr. Peter Tabuns:** I move that subsection 10(2) of the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by adding the following paragraph:

"4. To work with and assist the public in participating in early and ongoing consultation with proponents."

**The Chair (Mr. David Orazietti):** Any further comments?

**Mr. Peter Tabuns:** Very simply, this will draw the public, I hope, into the process of developing renewable energy, and it just makes it explicit that the Renewable Energy Facilitation Office is meant to engage in those consultations.

**The Chair (Mr. David Orazietti):** Ms. Broten.

**Ms. Laurel C. Broten:** Government motion number 5, which has previously passed, addresses this concern and ensures that the Green Energy Act "shall be administered in a manner that promotes community consultation." This would include services offered by the Renewable Energy Facilitation Office. We have signalled that a uniform process for proponent consultation with municipalities, on-site requirements and local infrastructure is part of the renewable energy approvals process. As has been demonstrated by our previous government motion, we're committed to ensuring that the act moves forward in a way that highlights community consultation.

**The Chair (Mr. David Orazietti):** Further comment? Mr. Yakabuski.

**Mr. John Yakabuski:** There's nothing wrong with the addition. We could go on and on and continue to insert fluffy additions, but this bill is long enough; it's 65 pages now. I'm voting against it.

**The Chair (Mr. David Orazietti):** Any further comments? All those in favour of NDP motion 15? All those opposed? The motion is lost.

Shall schedule A, section 10, carry? All those in favour? Carried.

Schedule A, section 11: government motion number 16.

**Mrs. Carol Mitchell:** I move that subsections 11(2) to (5) of the Green Energy Act, 2009, as set out in schedule A to the bill, be struck out and the following substituted:

"Records maintained in confidence

"(2) The renewable energy facilitator, or a person employed in the Renewable Energy Facilitation Office, shall maintain in confidence,

"(a) a record or information relating to a renewable energy project of a proponent that has been supplied to the facilitator by the proponent or that has been obtained by the facilitator from another institution, person or entity; and

"(b) a record or information maintained in the Renewable Energy Facilitation Office that would reveal a record or information relating to a renewable energy

project of a proponent that has been supplied to the facilitator by the proponent or another person or entity.

“Exception

“(3) Despite subsection (2), the renewable energy facilitator, or a person employed in the Renewable Energy Facilitation Office, may disclose a record or information,

“(a) where the proponent to whom the record or information relates consents to its disclosure;

“(b) where the disclosure is necessary to achieve the objects of the office;

“(c) to counsel or to an adviser to the Renewable Energy Facilitation Office;

“(d) for the purpose of complying with an act of the Legislature or an act of Parliament;

“(e) as authorized under the Regulatory Modernization Act, 2007;

“(f) where disclosure is to an institution or a law enforcement agency in Canada to aid a law enforcement investigation; or

“(g) where disclosure is further to an order of a tribunal.

“Information deemed to have been supplied in confidence

“(4) A record or information to which subsection (2) applies is deemed, for the purposes of section 17 of the Freedom of Information and Protection of Privacy Act, to have been supplied by the proponent in confidence to the Renewable Energy Facilitation Office.

“Record or information deemed to be supplied in confidence

“(5) A record or information to which subsection (2) applies that the renewable energy facilitator or a person employed in the Renewable Energy Facilitation Office supplies to a person employed in the ministry or to another institution is deemed, for the purposes of section 17 of the Freedom of Information and Protection of Privacy Act, to have been supplied by the proponent in confidence to that person or institution.

“Definition

“(6) In this section,

“‘institution’ has the same meaning as in the Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act.”

**The Chair (Mr. David Oraziotti):** Ms. Broten.

**Ms. Laurel C. Broten:** This motion clarifies that the provision applies to persons employed in the office and not only to the facilitator. The obligation to keep certain information confidential is moved from subsection 12(1) to subsection 11(2). The motion provides for certain exemptions from the confidentiality requirement that are consistent with the Freedom of Information and Protection of Privacy Act. Also consistent with other pieces of legislation, the motion includes language permitting disclosure of information pursuant to the Regulatory Modernization Act. Finally, the motion deems certain information to have been supplied in confidence for the purpose of FIPPA, section 17. The motion reflects a

balanced approach to the access to information and the protection of privacy and has been vetted on a principled basis with the Office of the Information and Privacy Commissioner.

**The Chair (Mr. David Oraziotti):** Further comments?

**Mr. John Yakabuski:** We have our own amendment in section 12 dealing with secrecy. It looks like you’re shifting some of the stuff from 12 into 11, but you’re still not protecting it in the same way. If we amend this section, Mr. Chair, does that preclude my next amendment from even being brought forward? No? They’re striking it out of 12 in this amendment, are they not? Do they have a further amendment to do that, or that’s just part of your explanation? Do you have another amendment to deal with the actual removal out of 12?

**Ms. Laurel C. Broten:** No, that is contained within this amendment.

**Mr. John Yakabuski:** Okay.

**The Chair (Mr. David Oraziotti):** All those in favour of government motion 16? Opposed? The motion is carried.

NDP motion 17: Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** I move that section 11 of the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by adding the following subsection:

“Disclosure of record relating to effects on plant life etc.

“(3.1) Despite subsections (2) and (3) and section 12, the facilitator shall disclose a record relating to the effects of a renewable energy project on plant life, animal life, human health or safety or the environment.”

Simply, Chair, these pieces of information, I think, are ones that the public should have access to, and we just want to make sure that is reflected in the legislation.

**The Chair (Mr. David Oraziotti):** Comments?

**Ms. Laurel C. Broten:** The government does not support this amendment. We have just voted on a government motion that brings forward a comprehensive disclosure and protective framework which has been vetted by the Information and Privacy Commissioner. We hold the view that that course of action is the appropriate course to take.

**The Chair (Mr. David Oraziotti):** Any further comments? NDP motion 17: All those in favour? Opposed? The motion is lost.

Shall schedule A, section 11, as amended, carry? All those in favour? Opposed? The section is carried.

Conservative motion 17.1: Mr. Yakabuski.

**Mr. John Yakabuski:** I move that subsection 12(1) of the Green Energy Act, 2009, as set out in schedule A to the bill, be struck out and the following substituted:

“Preserving secrecy

“12(1) The renewable energy facilitator shall preserve the secrecy of information that he or she obtains from or about a proponent of a renewable energy project.”

We have serious concerns about the energy facilitator having legislative authority to communicate confidential information, in particular without a warrant. There should

be no communication respecting projects to law enforcement agencies, nor should there be communication legislatively secured between the facilitator and a lawyer of the proponent, without a current consent from the client. This should not be automatic. The whole of subsection 12(1) should be limited to the words, "The renewable energy facilitator shall preserve the secrecy of information that he or she obtains from or about a proponent of a renewable energy project." Subsection (2) is fine.

**The Chair (Mr. David Oraziotti):** Any further comments?

1530

**Ms. Laurel C. Broten:** Government motion number 16, as I just indicated, sets out a comprehensive section with respect to the protection of information and the maintenance of confidentiality. It's consistent with the Freedom of Information and Protection of Privacy Act and the Regulatory Modernization Act and has been vetted in principle by the Information and Privacy Commissioner.

These amendments being advanced don't reflect the provisions that we have just amended. Accordingly, we will not be accepting them.

**The Chair (Mr. David Oraziotti):** Any further comments? Conservative motion 17.1: All those in favour? Opposed? The motion is lost.

Government motion number 18: Ms. Broten.

**Ms. Laurel C. Broten:** I move that section 12 of the Green Energy Act, 2009, as set out in schedule A to the bill, be struck out and the following substituted:

"Testimony

"12. Neither the renewable energy facilitator nor any person employed in the Renewable Energy Facilitation Office or the ministry shall be required to give evidence in a civil proceeding with respect to information obtained in the course of fulfilling the objects of the office."

The obligation to preserve confidentiality of information is now found under section 11. The motion continues to provide immunity from a requirement to give evidence in a civil proceeding with respect to information obtained in the course of fulfilling the objects of the office. Providing this type of immunity is consistent with other legislation.

**The Chair (Mr. David Oraziotti):** Any further comments? Government motion number 18: All those in favour? Opposed? The motion is carried.

Shall schedule A, section 12, as amended, carry? All those in favour? Opposed? Carried.

Schedule A, section 13: There are no amendments. All those in favour of schedule A, section 13? Opposed? Carried.

The proposed new section, schedule A, section 13.1: NDP amendment number 19. Mr. Tabuns.

**Mr. Peter Tabuns:** I move that part III of the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by adding the following section:

"Purpose and standards

"Purpose

"13.1(1) The purpose of this part is to ensure that energy and water efficiency standards are consistent with the highest standards currently in place in North America.

"Review of standards

"(2) All standards adopted under this part shall be subject to review no less frequently than every three years."

There's an opportunity here to strengthen the Energy Efficiency Act, which was first enacted about two decades ago. This brings it in line with current practice in the rest of North America. Consistent with where the government says it wants to go on this bill and where it wants to go with green energy, this strengthens the bill and should be adopted.

**The Chair (Mr. David Oraziotti):** Further comment? Ms. Broten.

**Ms. Laurel C. Broten:** Ontario already has a track record of having efficiency standards that are harmonized with the highest in North America. Standards are reviewed on a cycle that considers technology improvements, market transformation and regulatory initiatives in other jurisdictions.

We cannot accept this motion. Imposing a three-year cycle would be arbitrary and at odds with North American practice.

**The Chair (Mr. David Oraziotti):** Any further comments? Mr. Tabuns.

**Mr. Peter Tabuns:** I would say that to actually keep current with what is going on in the wider world, you need to set a regular cycle within which you're reviewing change. Right now, California is going through a substantial assessment of energy consumption by televisions. I think that if we're actually going to meet our targets with regard to demand management and reduction of electrical load, we have to be moving consistently to the highest points achievable in North America. I don't think it's something that can simply be left to common practice. It should be legislated.

**The Chair (Mr. David Oraziotti):** Any further comments? NDP motion number 19: All those in favour?

**Mr. Peter Tabuns:** Recorded vote on it.

**Ayes**

Tabuns.

**Nays**

Broten, Jeffrey, Kular, Mauro, Mitchell.

**The Chair (Mr. David Oraziotti):** The motion is lost.

There are no amendments for schedule A, section 14. Shall schedule A, section 14, carry? All those in favour? Carried.

Schedule A, section 15, government motion number 20: Ms. Broten. Sorry; there's a notice, and there is Conservative notice 20.1.

First, the government notice. If you're interested in speaking to this, may. It's part of the section, but if you want to speak to it—

**Ms. Laurel C. Broten:** Thank you, Chair. Government motion 20 and the Conservative motion 20.1 appear to be identical amendments being brought forward.

*Interjection.*

**Ms. Laurel C. Broten:** It doesn't matter? Okay. The amendment removes from the bill all powers of inspection authority to enter dwellings, conditions under which a search warrant can be obtained, and powers under those warrants for contravening provisions under the act. These powers affect part I, section 2, related to prescribed information to be provided on the sale of property, and part III, related to prescribed efficiency standards for appliances and products.

**The Chair (Mr. David Oraziotti):** Any further comment? Mr. Yakabuski, go ahead.

**Mr. John Yakabuski:** I'd just like to amend the notice. It should read, "The government recommends voting against," and then strike out the words "section 15 of schedule A to," and then it would just read, "The government recommends voting against the bill."

**Mrs. Carol Mitchell:** Is that a friendly amendment?

**Mr. John Yakabuski:** I'll send it over by airmail to you, Carol; just one second here. I'm pretty good at these planes, if I've got enough time.

**The Chair (Mr. David Oraziotti):** Regardless of the notices that are on the floor, it's schedule A, section 15. You're speaking to the section. Is there any further debate? Seeing none, all in favour of schedule A, section 15? Shall it carry? All those in favour? Opposed? The section is lost.

Section 16, government notice 21 and Conservative notice 21.1: The government notice first. Ms. Broten.

*Interjection.*

**The Chair (Mr. David Oraziotti):** We're speaking to schedule A, section 16. There are no amendments, but there are notices, so if you want to speak to that, you can.

**Ms. Laurel C. Broten:** If Mr. Yakabuski would like to speak first and have his notice be the one that moves forward, I'm satisfied with that.

**Mrs. Carol Mitchell:** No amendments?

**Mr. John Yakabuski:** No, we just have a notice here where we were basically asking the same thing. The Progressive Conservative Party recommends voting against section 15 of the Green Energy Act, as set out in section 15 of schedule A to the bill.

**The Chair (Mr. David Oraziotti):** We're going to vote on schedule A, section 16. All those in favour?

**Mrs. Carol Mitchell:** Just a minute. Are we voting on section 16, schedule A?

**The Chair (Mr. David Oraziotti):** Yes. All those in favour? All those opposed? The section is lost.

Schedule A, section 17, government motion 22: Ms. Broten, go ahead.

*Interjection.*

**The Chair (Mr. David Oraziotti):** Ms. Mitchell?

**Mrs. Carol Mitchell:** I move that subsection 17(2) of the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by adding the following clauses:

"(0.a) governing renewable energy testing facilities in relation to,

"(i) planning design, siting, buffer zones, notification and consultation, establishment, insurance, facilities, staffing, operation, maintenance, monitoring, record-keeping and improvement, and

"(ii) the discontinuance of the operation of any part of the renewable energy testing facility;

"(0.a.1) governing the location of renewable energy testing facilities, including prohibiting or regulating the construction, installation, use, operation or changing of renewable energy testing facilities in parts of Ontario."

**The Chair (Mr. David Oraziotti):** Ms. Broten.

**Ms. Laurel C. Broten:** This provision has been added to further support the practical implementation of the act by ensuring that the government has sufficient authority to regulate renewable energy testing facilities relating to the development of renewable energy generation facilities and projects. Such testing facilities are essential to the successful development of renewable energy generation facilities and renewable energy projects. The regulation-making authority supports the government's policy of ensuring that such testing facilities are implemented with a view to ensuring their consistency with the government's overall policy approach to renewable energy generation facilities and associated approvals processes.

**The Chair (Mr. David Oraziotti):** Any further comment on motion 22? Seeing none, all those in favour of government motion 22? Opposed? The motion is carried.

Conservative motion 22.1: Mr. Yakabuski.

**Mr. John Yakabuski:** I move that section 17 of the Green Energy Act, 2009, as set out in schedule A to the bill, be amended by adding the following subsection:

"Regulations, voluntary compliance

"(2.1) Regulations made under subsection (2) shall allow for voluntary compliance with the regulation."

Part V should be amended to allow for voluntary compliance with the regulations respecting appliances and products. The government is free to set efficiency standards for new appliances, and this is normal.

**The Chair (Mr. David Oraziotti):** Any further comment? Ms. Broten.

**Ms. Laurel C. Broten:** The government cannot support such an amendment. It would undermine the authority of all regulations made under the Green Energy Act. No other provincial statute would include such a provision.

**The Chair (Mr. David Oraziotti):** Any further comment? Seeing none, Conservative motion 22.1: All those in favour?

**Mr. John Yakabuski:** Recorded vote.

**Ayes**

Bailey, Yakabuski.

### Nays

Brotten, Jeffrey, Kular, Mitchell, Tabuns.

**The Chair (Mr. David Oraziotti):** Okay, the motion is lost.

Shall schedule A, section 17, as amended, carry? All those in favour? Carried.

**Mr. John Yakabuski:** Is that air conditioning working?

**Mr. Robert Bailey:** It's part of the Green Energy Act.

**The Chair (Mr. David Oraziotti):** Schedule A, sections 18 to 21: There are no amendments. Shall sections 18 to 21 carry? Carried.

There's a preamble to schedule A. Shall the preamble to schedule A carry, as presented? All those in favour? Carried.

*Interjection.*

**The Chair (Mr. David Oraziotti):** In a moment. Shall schedule A, as amended, carry? Carried.

Schedule B—

**Mr. John Yakabuski:** Can we take a five-minute break?

**The Chair (Mr. David Oraziotti):** Is there agreement for a five-minute break? Agreed. The committee is in recess for five minutes.

*The committee recessed from 1543 to 1554.*

**The Acting Chair (Mrs. Linda Jeffrey):** Committee, we're going to resume. I'll act as Chair.

We're at motion number 23. Mr. Tabuns, you have the floor.

**Mr. Peter Tabuns:** I move that section 1 of schedule B to the bill be amended by adding the following subsection:

“(01) Subsection 2(1) of the Electricity Act, 1998 is amended by adding the following definitions:

“‘green energy’ means energy derived from a renewable energy source or from a generation facility that is a high-efficiency heat and power facility;

“‘high-efficiency heat and power facility’ means a generation facility that uses high-efficiency technology to produce power and thermal energy from a single source and that achieves a minimum average efficiency of 6,000 British thermal units per kilowatt hour but does not include a generation facility that uses garbage or refuse-derived fuel.”

I believe I've made my arguments before, Madam Chair—oh, Mr. Chair. The things you miss when you look down at the paper.

**The Chair (Mr. David Oraziotti):** Any further comments?

**Mr. Peter Tabuns:** No. I've made my arguments.

**Ms. Laurel C. Brotten:** No, I've made an argument.

**The Chair (Mr. David Oraziotti):** Mr. Yakabuski?

**Mr. John Yakabuski:** I've heard this before. I saw something very similar, and I don't think Peter's going to do any better this time. The cards are stacked against him.

**The Chair (Mr. David Oraziotti):** All those in favour of NDP motion number 23? Opposed? The motion is lost.

Government motion number 24.

**Mrs. Carol Mitchell:** I move that the definition of “renewable energy generation facility” in subsection 2(1) of the Electricity Act, 1998, as set out in subsection 1(2) of schedule B to the bill, be struck out and the following substituted:

“‘renewable energy generation facility’ means a generation facility that generates electricity from a renewable energy source and that meets such criteria as may be prescribed by regulation and includes associated or ancillary equipment, systems and technologies as may be prescribed by regulation, but does not include an associated waste disposal site, unless the site is prescribed by regulation for the purposes of this definition;...” In French, that's what I said, right? My apologies.

**The Chair (Mr. David Oraziotti):** Any further comment?

**Ms. Laurel C. Brotten:** This is a technical amendment.

**The Chair (Mr. David Oraziotti):** Mr. Tabuns?

**Mr. Peter Tabuns:** What does the technical amendment achieve? What does it give us?

**Ms. Laurel C. Brotten:** It's designed to improve the overall alignment between the Electricity Act and the Environmental Protection Act in the manner in which each deals with renewable energy projects, and particularly in regard to electricity generation from waste by referencing associated waste disposal sites rather than associated works that produce, process, handle or store waste. The reference to “waste disposal site” aligns with MOE legislation and regulations.

**The Chair (Mr. David Oraziotti):** Any further comments?

Government motion 24: All those in favour? Opposed? The motion is carried.

Motion number 25, NDP motion.

**Mr. Peter Tabuns:** I move that subsection 2(1) of the Electricity Act, 1998, as set out in subsection 1(3) of schedule B to the bill, be amended by striking out the definition of “renewable energy source” and substituting the following:

“‘renewable energy source’ means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, excluding plasma gasification of municipal solid waste, biofuel, solar energy, geothermal energy, tidal forces and such other energy sources as may be prescribed by the regulations, but does not include incineration of synthetic gas from municipal solid waste;...”

I think I've made the argument before.

**The Chair (Mr. David Oraziotti):** Any further comments?

**Mr. John Yakabuski:** Just a question: Are you folks opposed to energy from waste? I'd never gather this from these amendments. Is that correct?

**Mr. Peter Tabuns:** You're asking me? Yes.

**Mr. John Yakabuski:** Okay. I just wondered.

**The Chair (Mr. David Orazietti):** Ms. Broten, comments? No? Okay.

All those in favour of NDP motion number 25? All those opposed? The motion is lost.

Conservative motion number 25.1.

**Mr. John Yakabuski:** Peter's going to vote against this one, but they are too.

I move that the definition of "renewable energy source" in subsection 2(1) of the Electricity Act, 1998, as set out in subsection 1(3) of schedule B to the bill, be amended by striking out "an energy source that is renewed by natural processes" and substituting "an energy source that is obtained by burning municipal waste or is renewed by natural processes."

This would allow the burning of municipal solid waste and other energy alternatives, which would allow the cement industry to actually reduce dramatically the amount of coke and coal that they currently use in their production processes, thereby reducing by the same dramatic amounts the amount of greenhouse gases that would be emitted into the atmosphere using the processes that they've already perfected, which would be able to burn those alternative sources of fuel in a very environmentally sensitive and friendly manner.

1600

**The Chair (Mr. David Orazietti):** Any further comment? Ms. Broten.

**Ms. Laurel C. Broten:** The government will not be supporting this amendment. The Green Energy Act is not intended to promote energy from municipal solid waste, and it is not government policy to define MSW as a renewable energy source in the act.

**The Chair (Mr. David Orazietti):** Any further comments? All those in favour of Conservative motion 25.1? All those opposed? The motion is lost.

**Mr. John Yakabuski:** Did you get me voting in favour of that?

**Mr. Robert Bailey:** I voted in favour.

**The Chair (Mr. David Orazietti):** It wasn't a recorded vote.

Government motion number 26. Ms. Broten.

*Interjection.*

**The Chair (Mr. David Orazietti):** Mr. Bailey had his hand up.

Ms. Broten—sorry; Ms. Mitchell.

**Mrs. Carol Mitchell:** I move that subsection 2(1) of the Electricity Act, 1998, as amended by subsection 1(4) of schedule B to the bill, be amended by adding the following definition:

"waste disposal site' has the same meaning as in section 25 of the Environmental Protection Act. (F)"

**The Chair (Mr. David Orazietti):** Further comments? Ms. Broten.

**Ms. Laurel C. Broten:** This is a technical amendment to improve the alignment between the Electricity Act and the Environmental Protection Act.

**The Chair (Mr. David Orazietti):** Government motion number 26: All those in favour? Opposed? The motion is carried.

Shall schedule B, section 1, as amended, carry? All those opposed? Carried.

A new section proposed by the NDP: schedule B, section 1.1. It's motion number 27. Mr. Tabuns.

**Mr. Peter Tabuns:** I'll read the motion, but the success of the motion depends on a further amendment happening later on in the bill. So, Chair, you might give me advice on this. Do we need to go to the section of the bill that needs to be amended and hold this down and come back?

*Interjection.*

**Mr. Peter Tabuns:** Fine. We need to add clause 8(1)(h) of the bill in order to make this a substantial amendment.

*Interjection.*

**The Chair (Mr. David Orazietti):** Mr. Tabuns, the advice we're getting from legislative counsel is that we wait, as you've indicated, until we deal with the section later in the bill. So we'll hold off on this particular amendment.

**Mr. Peter Tabuns:** Okay.

**The Chair (Mr. David Orazietti):** We'll move to schedule B, section 2, NDP motion number 28.

**Mr. Peter Tabuns:** It's the same constraint.

**The Chair (Mr. David Orazietti):** Number 29: Is that the same as well?

**Mr. Peter Tabuns:** No.

**The Chair (Mr. David Orazietti):** So we'll hold off on 27 and 28 and we'll move to schedule B, section 3, motion number 29. So go ahead with that.

**Mr. Peter Tabuns:** I move that section 3 of schedule B to the bill be struck out and the following substituted:

"3. Section 25.11 is repealed and the following substituted:

"Conservation bureau

"25.11(1) An office known in English as the conservation bureau and in French as Bureau des économies d'énergie shall be established within the OPA to provide leadership in planning and co-ordination of measures for electricity efficiency, conservation and load management in Ontario and to engage in such activities as may be prescribed in the regulations.

"Chief energy conservation officer

"(2) The chief energy conservation officer shall be responsible for directing, managing and supervising the business and affairs of the conservation bureau, including the planning, implementation and management of electricity conservation and load management activities, projects and programs by the OPA, reporting to the board of directors of the OPA.

"Appointment

"(3) The minister shall appoint the chief energy conservation officer.

"Annual report

"(4) At least 60 days before the beginning of the following fiscal year, the chief energy conservation

officer shall submit a report to the board of directors and the minister that includes,

“(a) the conservation bureau’s proposals for the following fiscal year regarding steps to be taken,

“(i) to promote electricity conservation and load management,

“(ii) to procure reductions in electricity demand and promote management of electricity demand to assist the government of Ontario in achieving goals in electricity conservation, and

“(iii) to facilitate the provision of services relating to energy conservation and load management;

“(b) a detailed description of the steps taken to implement the current year’s proposals and detailed information on the results achieved;

“(c) information on any government policy or legislation identified by the conservation bureau that results in a barrier to the development or implementation of electricity conservation measures.

“Same

“(5) The chief energy conservation officer shall make the report public within seven days of submitting it to the board of directors and the minister under subsection (4).”

Very simply, I don’t think it was a good idea to remove the conservation bureau from the OPA. It needs a body that is focused on conservation, that will drive conservation; it needs an officer who will be in a senior position reporting to the board of directors. Without that, the importance of conservation will be downgraded. It needs someone who is there, focused and driving that agenda.

**Ms. Laurel C. Broten:** This motion is inconsistent with government policy on this matter. The establishment of a reporting function on conservation activities will now be with the Environmental Commissioner of Ontario for increased transparency and accountability. The ECO will have enhanced independence and reporting powers to fulfill this function and will report on all fuels.

In addition, through the GEA, LDCs will now have greater responsibility for delivery of conservation programs and reporting. LDCs have direct relationships with their ratepayers and have a unique ability to create programs which are best suited to their consumers.

**The Chair (Mr. David Oraziotti):** Any further comment?

**Mr. Peter Tabuns:** I don’t think it’s a bad idea to have the Environmental Commissioner have enhanced powers to follow what’s going on, and I don’t think it’s a bad idea to have enhanced powers for the local distribution companies to promote energy efficiency, but if in fact at the provincial level you’re going to drive an agenda that actually is going to reduce energy consumption and specifically electricity consumption, you need someone who has a responsibility for doing that. You need an office that will aggregate information, set plans and move them forward. Simply reporting and devolving is not going to do what needs to be done in Ontario,

which is why I think the government is wrong in taking the policy direction it’s taking.

**The Chair (Mr. David Oraziotti):** Any further comments on NDP motion number 29? All those in favour? Opposed? The motion is lost.

Shall schedule B, section 3, carry? All in favour? Opposed? It’s carried.

Schedule B, section 4: There are no amendments presented. Shall it carry? Carried.

A new section is proposed by the NDP: schedule B, section 4.1. Motion 30: Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** I move that schedule B of the bill be amended by adding the following section:

“4.1(1) Subsection 25.30(1) of the act is amended by adding the following clause:

“(a.1) that pursues all cost-effective opportunities for energy conservation and energy efficiency prior to consideration of new sources of electricity supply; and.”

“(2) Section 25.30 of the act is amended by adding the following subsection:

“Cost effectiveness

“(1.1) For the purposes of this section, “cost-effective” includes consideration of the environmental and social benefits of and environmental and social costs avoided as a result of energy efficiency and energy conservation.”

I think it needs to be clear in our electricity planning that energy efficiency and conservation are the centre of what has to be done. Energy efficiency needs to be understood in its broader impact on provincial finances, provincial environment, provincial health. This motion will be useful to the government in delivering its agenda.

**The Chair (Mr. David Oraziotti):** Any further comments? Ms. Broten.

**Ms. Laurel C. Broten:** The supply mix directive to the OPA defines the goals of the IPSP, and the minister has authority to set out goals to be achieved by the IPSP through the supply mix directive, so a legislative change is not necessary. The government has set very aggressive conservation targets in its existing supply-mix directive, and these targets were informed by an analysis of Ontario’s currently achievable conservation potential, including aggressive codes and standards. In September 2008, the government asked the OPA to review the viability of accelerating the achievement of these targets, and additional direction to the OPA on conservation targets can be provided as circumstances require. As part of the OPA and OEB’s consultation process on the IPSP, we’ve heard from many groups and organizations on the best ways to achieve our conservation targets.

1610

**The Chair (Mr. David Oraziotti):** Any further comments?

**Mr. Peter Tabuns:** I’ll just say that we may have heard from many groups on how to achieve targets; this puts in statute the requirement to drive forward on efficiency and conservation, and that needs to be there.

**The Chair (Mr. David Oraziotti):** Further comments? NDP motion number 30 to add the new section

4.1: Shall it carry? All those in favour? Opposed? The motion is lost.

Schedule B, section 5, government motion 31: Ms. Mitchell?

**Mrs. Carol Mitchell:** I move that clause 25.32(2)(b) of the Electricity Act, 1998, as set out in subsection 5(1) of schedule B to the bill, be struck out and the following substituted:

“(b) a direction issued under subsection (4), (4.1), (4.4), (4.5), (4.6) or (4.7) or section 25.35.”

**The Chair (Mr. David Oraziotti):** Ms. Broten?

**Ms. Laurel C. Broten:** This is a purely technical change which had the effect of clarifying that the OPA does not enter into a procurement contract that does not comply with the direction issued under the listed provisions.

**The Chair (Mr. David Oraziotti):** Further comment? All in favour of government motion 31? Opposed? The motion is carried.

NDP motion 32: Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** I move that clause 25.32(4.1)(a) of the Electricity Act, 1998, as set out in subsection 5(2) of schedule B to the bill, be struck out and the following substituted:

“(a) the procurement of electricity supply or capacity, limited to supply and capacity derived from renewable energy sources or green energy.”

**The Chair (Mr. David Oraziotti):** Ms. Broten?

**Ms. Laurel C. Broten:** The next government motion, number 33, will clarify that the direction authority in this area is limited to renewable energy sources only.

**The Chair (Mr. David Oraziotti):** Further comment? NDP motion number 32: All those in favour? Opposed? The motion is lost.

Government motion number 33: Ms. Mitchell.

**Mrs. Carol Mitchell:** I move that clause 25.32(4.1)(a) of the Electricity Act, 1998, as set out in subsection 5(2) of schedule B to the bill, be struck out and the following substituted:

“(a) the procurement of electricity supply or capacity derived from renewable energy sources.”

**The Chair (Mr. David Oraziotti):** Ms. Broten?

**Ms. Laurel C. Broten:** This amendment would make the new directive authority applicable only to renewable energy sources rather than all sources for the generation of electricity. This amendment is designed to ensure that directions issued by the minister under this provision relate to renewable energy generation only.

**The Chair (Mr. David Oraziotti):** Further comment? Mr. Tabuns?

**Mr. Peter Tabuns:** Just so that we're very clear, that means then that the minister couldn't use this section to procure electricity from a nuclear generating plant; is that correct? You will have to do more than nod, Ms. Broten.

**The Chair (Mr. David Oraziotti):** Ms. Broten, just for the record, if you want to make a comment on that.

**Ms. Laurel C. Broten:** I've made my submissions with regard to the provision. It is a comment that we received back from stakeholders during the context of the

Green Energy Act, and we wanted to advance this clarification.

**Mr. John Yakabuski:** The minister confirmed that in the House today.

**The Chair (Mr. David Oraziotti):** Government motion number 33: All those in favour? Opposed? Carried.

NDP motion number 34: Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** I move that section 25.32 of the Electricity Act, 1998, as set out in subsection 5(2) of schedule B to the bill, be amended by adding the following subsection:

“Same

“(4.6) Subsection (4.5) applies with respect to generation facilities and systems that are both on and off a reserve, as defined in the Indian Act (Canada), and on unceded reserve lands.”

In several places the bill empowers local communities, municipalities and distribution utilities to develop projects. I think it's needed to specify that the bill applies to facilities or systems that would be developed by First Nations.

**The Chair (Mr. David Oraziotti):** Ms. Broten?

**Ms. Laurel C. Broten:** The government will not be supporting this amendment. The proposal is not necessary as there is nothing within Bill 150 to limit the OPA or the minister from designing a program whose application is limited to on- or off-reserve lands. The spirit of this motion is already captured within the bill.

**The Chair (Mr. David Oraziotti):** Any further comment? NDP motion number 34: All those in favour? Opposed? The motion is lost.

Government number 35: Ms. Mitchell?

**Mrs. Carol Mitchell:** I move that section 25.32 of the Electricity Act, 1998, as amended by subsection 5(2) of schedule B to the act, be amended by adding the following subsections:

“Direction re programs for participation of groups

“(4.6) The minister may direct the OPA to establish measures to facilitate the development of renewable energy generation facilities, transmission systems and distribution systems, and the measures may include programs or funding for or associated with the participation of groups and organizations, including but not limited to municipalities, in the development of the facilities or systems.

“Direction re municipal programs

“(4.7) The minister may direct the OPA to develop programs that are designed to reimburse the direct costs incurred by a municipality in order to facilitate the development of renewable energy generation facilities, transmission systems and distribution systems and the funding may include funding for infrastructure associated with or affected by the development of the facilities or systems.”

**The Chair (Mr. David Oraziotti):** Further comment? Ms. Broten.

**Ms. Laurel C. Broten:** This section gives the minister the authority to direct the Ontario Power Authority to

develop and deliver funding programs to assist groups and organizations, including municipalities, in facilitating and participating in the development of renewable energy facilities.

The “Direction re municipal programs” subsection gives the minister the authority to direct the Ontario Power Authority to develop a program that would allow municipalities to recover certain eligible costs such as repairs or upgrades incurred as a direct result of renewable energy facilities locating in their communities.

**The Chair (Mr. David Oraziotti):** Further comment? All in favour of government motion 35? Opposed? The motion is carried.

Motion 36: Ms. Mitchell?

**Mrs. Carol Mitchell:** I move that section 5 of schedule B to the bill be amended by adding the following subsection:

“(3) Subsection 25.32(6) of the act is amended by adding the following paragraph:

“3. A contract entered into by the OPA following a procurement solicitation or other initiative referred to in subsection (4.1), (4.4), (4.5) or (4.6) or section 25.35 or an expenditure made under subsection (4.7).”

**The Chair (Mr. David Oraziotti):** Further comment? All in favour of government motion 36? Opposed? Carried.

NDP motion 37.

**Mr. Peter Tabuns:** I move that—

**The Chair (Mr. David Oraziotti):** Sorry, Mr. Tabuns; before we move on, shall schedule B, section 5, as amended, carry? All those in favour? Carried.

**Mr. Peter Tabuns:** I move that subsection 25.35(1) of the Electricity Act, 1998—

**The Chair (Mr. David Oraziotti):** We’re not there. One second.

Shall schedule B, section 6—there are no amendments here—carry? Carried.

All right, Mr. Tabuns: NDP motion 37, schedule B, section 7. Go ahead.

**Mr. Peter Tabuns:** I move that subsection 25.35(1) of the Electricity Act, 1998, as set out in section 7 of schedule B to the bill, be struck out and the following substituted:

“(1) The minister shall direct the OPA to develop feed-in tariff programs that are designed to ensure that they are the primary mechanism for procuring green energy, and in so directing the OPA, the minister shall specify such circumstances and timelines as the minister shall require.”

The objective here is to make sure that the bulk of what is done in terms of procuring renewable power is done through feed-in tariffs. They are extremely efficient and effective at getting renewable power going in European jurisdictions. Given all of the publicity about this bill and its potential—or claimed potential—for a renaissance of investment in Ontario, one of the central mechanisms has to be there for that to go forward.

1620

**The Chair (Mr. David Oraziotti):** Any further comments? Ms. Mitchell or Ms. Broten?

**Ms. Laurel C. Broten:** The amendment is unnecessary. We are creating a FIT program. We’re in the midst of a consultation process by the OPA.

**The Chair (Mr. David Oraziotti):** Further comment?

**Mr. Peter Tabuns:** Fair enough that you’re creating a feed-in tariff program. The question is, will that be the primary tool by which there’s an increased investment in renewable power in Ontario?

**The Chair (Mr. David Oraziotti):** NDP motion 37: All those in favour? Opposed? The motion is lost.

Number 38: Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** I move that subsection 25.35(2) of the Electricity Act, 1998, as set out in section 7 of schedule B to the bill, be struck out and the following substituted:

“Minister’s directives

“(2) The minister shall issue, and the OPA shall follow in preparing its feed-in tariff program, directives that set out the goals to be achieved during the period to be covered by the program, including goals relating to,

“(a) the participation by aboriginal peoples in the development, ownership and establishment of renewable energy projects;

“(b) the involvement of members of the local community in the development, ownership and establishment of renewable energy projects;

“(c) domestic content, requiring each renewable energy project proponent to spend at least 60% of its project spending within Ontario on or before the day that is three years after the day the Green Energy and Green Economy Act, 2009 comes into force;

“(d) a recognized and appropriate premium for the advantages and benefits that arise from local public ownership and control of renewable power sources; and

“(e) the elimination of artificial limits being imposed on the capacity of locally owned and controlled renewable power sources.”

The intention here is to make sure that we have locally developed manufacturing capacity. In Quebec, there’s a requirement that 60% of the value of new wind turbine projects comes from manufacturing in Quebec. They didn’t do that on day one; they’ve worked up to it over a number of years. Three years seems a fair requirement.

If the government is talking about large-scale job creation in Ontario, it’s going to also have to put in place substantive made-in-Ontario requirements. This amendment provides them with that mechanism.

**The Chair (Mr. David Oraziotti):** Further debate? Ms. Broten?

**Ms. Laurel C. Broten:** The government’s commitment to mandating domestic content is further substantiated by the next motion, motion 39, which advances a new section establishing the government’s commitment to domestic content. With respect to this motion, the domestic content levels will be established consistent with trade agreements and in consultation with relevant sectors.

As was requested by the Blue Green Alliance, our domestic content targets will be technology-specific, with

the potential of increasing over time as new manufacturing opportunities are realized.

**The Chair (Mr. David Oraziotti):** Any further comment?

**Mr. Peter Tabuns:** This resolution is not in contradiction to increasing domestic content over time and it's not in contradiction to having a variety of technologies. It's setting a floor at 60%. Quebec has a 60% requirement. They're not being challenged through any trade agreement. I would say that for us, there's a minimum here that we should adopt, and that's 60%.

I just want to note as well that this amendment also drives the program and the act to support local investment and development, which I think, again, is going to be critical if you're going to use this act for development of our economy.

**The Chair (Mr. David Oraziotti):** Okay. All in favour of NDP motion 38?

**Mr. Peter Tabuns:** Recorded vote.

### Ayes

Tabuns.

### Nays

Brotten, Jeffrey, Kular, Mauro, Mitchell.

**The Chair (Mr. David Oraziotti):** The motion is lost. Government motion 39: Ms. Mitchell.

**Mrs. Carol Mitchell:** I move that subsection 25.35(2) of the Electricity Act, 1998, as set out in section 7 of schedule B to the bill, be struck out and the following substituted:

“Minister’s directions

“(2) Where the minister has issued a direction under subsection (1), the minister may issue, and the OPA shall follow in preparing its feed-in tariff program, directions that set out the goals to be achieved during the period to be covered by the program, including goals relating to,

“(a) the participation by aboriginal peoples in the development and establishment of renewable energy projects; and

“(b) the involvement of members of the local community in the development and establishment of renewable energy projects.

“Same, domestic content

“(2.1) Where the minister has issued a direction under subsection (1), the minister shall issue, and the OPA shall follow in preparing its feed-in tariff program, directions that set out the goals relating to domestic content to be achieved during the period to be covered by the program.”

**The Chair (Mr. David Oraziotti):** Any comments? Ms. Brotten.

**Ms. Laurel C. Brotten:** This proposed amendment requires the minister to include domestic content goals, if the minister directs the OPA to develop a feed-in tariff program.

**The Chair (Mr. David Oraziotti):** Mr. Tabuns.

**Mr. Peter Tabuns:** I'm going to support the resolution, but I have to say that it's far weaker than it should be. It could be much stronger than this. Frankly, I think it undermines the capacity of the act to actually deliver the investment that this province needs.

**The Chair (Mr. David Oraziotti):** All in favour of government motion 39? Opposed? The motion is carried. NDP motion 40: Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** I move that subsection 25.35(3) of the Electricity Act, 1998, as set out in section 7 of schedule B to the bill, be struck out and the following substituted:

“Definition

“(3) In this section,

“‘feed-in tariff program’ means a program for procurement, including a procurement process, providing standard program rules, standard contracts and standard pricing regarding classes of generation facilities differentiated by energy source, fuel type, natural resource intensity, generator capacity and the manner by which the generation facility is used, deployed, installed or located.”

The issue here—and this came up in the Soo, in London, in Ottawa and in other presentations—is the need to have different feed-in tariff scales depending on local resource intensity, if you wanted to have a very diversified or dispersed program of investment for renewable energy. This is consistent with what the green energy alliance has called for, what renewable power developers are calling for, and it's consistent with programs developed in Europe. I think it should be part of the program here.

**The Chair (Mr. David Oraziotti):** Ms. Brotten, comments?

**Ms. Laurel C. Brotten:** The Green Energy Act, in its current form, provides flexibility to look at options such as this in the future, and accordingly, an amendment such as this one is not necessary.

**The Chair (Mr. David Oraziotti):** All those in favour of NDP motion 40? Opposed? The motion is lost.

Shall schedule B, section 7, as amended, carry? All those in favour? Opposed? It's carried.

Schedule B, section 8, Conservative motion 40.1: Mr. Bailey.

**Mr. Robert Bailey:** I move that subsection 25.36(1) of the Electricity Act, 1998, as set out in section 8 of schedule B to the bill, be amended by striking out “shall” in the portion before clause (a) and substituting “may.”

This would have the effect of making a mandatory connection to a transmission or distribution system. This could be fraught with major difficulties, all because of one word—“shall”—although the mandatory power is mitigated in 25.36(1)(b), where reliance is based on the applicable technical requirements, which have yet to be determined. All connection and related cost issues should simply be left to the independent regulatory supervision of the Ontario Energy Board, not this section or any government or pursuant to any regulation.

**The Chair (Mr. David Oraziotti):** Any further comment? Ms. Broten.

**Ms. Laurel C. Broten:** This motion would remove mandatory as-of-right connection access for renewable energy generators, contrary to provincial policy direction. Under the proposed Green Energy Act, mandatory connection will be subject to the applicable technical, economic and regulatory standards, including an economic test being developed by the OPA, and will be overseen by the regulator to ensure appropriate prudence, but the mandatory as-of-right connection is absolutely a critical component.

1630

**The Chair (Mr. David Oraziotti):** Any further comment? All those in favour of Conservative motion 40.1? Opposed? The motion is lost.

Motion 40.2: Mr. Bailey.

**Mr. Robert Bailey:** I move that section 25.36 of the Electricity Act, 1998, as set out in section 8 of schedule B to the bill, be amended by adding the following subsection:

“Connection and related costs

“(2.1) The board shall regulate all connection and related costs incurred as the result of connecting a renewable energy generation facility to a transmitter’s transmission system or a distributor’s distribution system and, despite subsection (2), in the event of a conflict between a regulation referred to in subsection (1) and an order of the board with respect to connection and related costs, the order prevails.”

**The Chair (Mr. David Oraziotti):** Ms. Broten, comments?

**Ms. Laurel C. Broten:** We don’t support this amendment.

**Mr. John Yakabuski:** We’re not surprised.

**The Chair (Mr. David Oraziotti):** Conservative motion 40.2: All those in favour? Opposed? The motion is lost.

Shall schedule B, section 8, carry? Carried.

Schedule B, section 9: There are no amendments. Shall the section carry? Carried.

Schedule B, section 10: government amendment 41. Ms. Mitchell, go ahead.

**Mrs. Carol Mitchell:** I move that subsection 26(1.2) of the Electricity Act, 1998, as set out in section 10 of schedule B to the bill, be amended by striking out “a regulation made under subsection (1.1)” and substituting “a regulation referred to in subsection (1.1).”

**Ms. Laurel C. Broten:** This is a technical amendment.

**The Chair (Mr. David Oraziotti):** Any further comments? Government motion 41: All those in favour? Opposed? Carried.

Ms. Mitchell, number 42.

**Mrs. Carol Mitchell:** I move that subsection 26(1.3) of the Electricity Act, 1998, as set out in section 10 of schedule B to the bill, be amended by striking out “A regulation made under subsection (1.1)” and substituting “A regulation referred to in subsection (1.1).”

**The Chair (Mr. David Oraziotti):** Any further comment? All those in favour of government motion 42? Opposed? Carried.

Shall schedule B, section 10, as amended, carry? Carried.

Schedule B, sections 11 and 12: There are no amendments. Shall those sections carry? Carried.

New proposed section, schedule B, section 12.1: NDP motion number 43. Mr. Tabuns.

**Mr. Peter Tabuns:** I move that schedule B of the bill be amended by adding the following section:

“12.1 Subsection 53.1(1) of the act is repealed and the following substituted:

“(1) The objects of Ontario Power Generation Inc. include, in addition to any other objects, owning and operating generation facilities, including renewable energy generation facilities.”

**The Chair (Mr. David Oraziotti):** Any further comment?

**Mr. Peter Tabuns:** Chair, a few points here. One is that if we’re actually going to move a lot of people in OPG to support renewable energy, they are going to have to see that there’s some future for OPG. One of those futures has got to be an investment in renewable power, so in terms of moving a block of people in this—

**The Chair (Mr. David Oraziotti):** Sorry, Mr. Tabuns. Legislative counsel has indicated that the motion is out of order, so we’re going to have to—

**Mr. Peter Tabuns:** Oh, legislative counsel.

**Mr. John Yakabuski:** Is this motion 43?

**The Chair (Mr. David Oraziotti):** That’s right.

**Mr. John Yakabuski:** Out of order?

**The Chair (Mr. David Oraziotti):** Out of order.

**Mr. Peter Tabuns:** On what basis?

**The Chair (Mr. David Oraziotti):** Section 53.1 is not open, so you can’t amend it.

We’ll have to move to schedule B, section 13, NDP motion 44, if you want to start with that one, Mr. Tabuns.

**Mr. Peter Tabuns:** I move that section 88 of the Electricity Act, 1998, as set out in section 13 of schedule B to the bill, be amended by adding the following clause:

“(d.3) a First Nation community that generates, transmits, distributes or retails electricity directly or indirectly, or a corporation or other entity owned by the members of the First Nation community for the purpose of generating, transmitting, distributing or retailing electricity.”

This was raised by the Green Energy Act Alliance and it provides opportunities for development of renewable power by First Nations communities. I think it’s needed in the act to ensure that they have an opportunity to be part of the development of green power in this province.

**The Chair (Mr. David Oraziotti):** Ms. Broten.

**Ms. Laurel C. Broten:** There’s nothing in the Green Energy Act that prevents First Nations from participating in the feed-in tariff program. In fact, the Green Energy Act has a number of provisions which seek to encourage that development, either on their own, in partnership with LDCs or as part of community co-operatives. The OPA

will be establishing a provincial aboriginal program to ensure that costs associated with renewable energy projects can be recovered.

**The Chair (Mr. David Oraziotti):** Okay, thank you. All those in favour of NDP motion number 44? Opposed? The motion is lost.

Shall schedule B, section 13, carry? Carried.

Schedule B, section 14: There are no amendments. Shall it carry? Carried.

Schedule B, section 15: government motion number 45. Ms. Mitchell.

**Mrs. Carol Mitchell:** I move that subsection 144(2) of the Electricity Act, 1998, as set out in section 15 of schedule B to the bill, be amended by striking out “established by a municipal corporation.”

**The Chair (Mr. David Oraziotti):** Any comments? All those in favour? Opposed? It’s carried.

NDP motion 46R: Mr. Tabuns.

**Mr. Peter Tabuns:** I move that clause 144(2)(a) of the Electricity Act, 1998, as set out in section 15 of schedule B to the bill, be amended by striking out “that does not exceed 10 megawatts.”

I don’t see any reason why we should be limiting municipal involvement. There was a request on the part of municipalities to remove that cap, and I think it would be in the interests of the government to accelerate development of renewable power by letting municipalities engage as fully as they possibly want to.

**The Chair (Mr. David Oraziotti):** Any comments?

**Ms. Laurel C. Broten:** The 10-megawatt size limit will ensure that smaller community-scale projects are enabled and that the focus is on customer programs such as rooftop solar rather than on large generation. Larger projects could still be developed by LDCs through affiliates.

**The Chair (Mr. David Oraziotti):** All those in favour of NDP motion number 46? Opposed? The motion is lost.

NDP motion number 47: Mr. Tabuns.

**Mr. Peter Tabuns:** I move that section 144 of the Electricity Act, 1998, as set out in section 15 of schedule B to the act, be amended by adding the following subsection:

“Exception

“(2.1) A private corporation shall not generate electricity if the generation facility is a renewable energy generation facility that exceeds 10 megawatts.”

There’s an ongoing push to privatize power generation in Ontario, and this amendment is meant to cap that push.

**The Chair (Mr. David Oraziotti):** Ms. Broten?

**Ms. Laurel C. Broten:** To date, private corporations have successfully developed most of the wind generation developed in Ontario. Bill 150 provides many new opportunities for other parties, including municipalities, aboriginal peoples, renewable energy co-operatives and community members, to participate in renewable energy generation.

**The Chair (Mr. David Oraziotti):** All those in favour of NDP motion number 47? Opposed? The motion is lost.

NDP motion number 48: Mr. Tabuns.

**1640**

**Mr. Peter Tabuns:** I move that subsection 144(3) of the Electricity Act, 1998, as set out in section 15 of schedule B to the bill, be struck out and the following substituted:

“Definition

“(3) In this section,

“‘municipal services corporation’ means a corporation established by a municipal corporation under section 203 of the Municipal Act, 2001 or under section 148 of the City of Toronto Act, 2006 and a First Nation services corporation established under the laws of Ontario or of Canada.”

Again, this is to allow First Nations the opportunity to engage in development of renewable electricity in this province. It’s been noted by the government a number of times that they are not prohibited from participating, but given that municipalities are being named as being allowed to engage, I think that First Nations should also be named as being allowed to engage in development of renewable power.

**The Chair (Mr. David Oraziotti):** Ms. Broten?

**Ms. Laurel C. Broten:** The amendment is not necessary as the Ontario government is currently working to empower aboriginal communities by providing additional opportunities for their participation including, but not limited to, the budget 2009 announcement of \$250 million in a loan guarantee program to support aboriginal equity participation in renewable energy and transmission facilities, amongst others.

**The Chair (Mr. David Oraziotti):** Thank you. NDP motion 48: All those in favour? Opposed? Okay, the motion is lost.

Shall schedule B, section 15, as amended, carry? Carried.

Schedule B, section 16: there are no amendments. Shall section 16 carry? Carried.

We have a couple of motions, 27 and 28, that we waited on here until we came into schedule C. Once we do that, we’ll come back to B and vote on the entire section.

Schedule C, section 1: there are no amendments. Shall schedule C, section 1 carry? Carried.

Section 2: there are no amendments. Shall it carry? Carried.

Section 3 of schedule C, NDP motion 49: Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** I move that section 2 of the Ministry of Energy Act, as set out in section 3 of schedule C to the bill, be amended by adding the following subsections:

“Energy Efficiency Ontario

“(2) There shall be established within the ministry an office known in English as Energy Efficiency Ontario and in French as Bureau des économies d’énergie to pro-

vide leadership in planning, co-ordination and delivery of measures for energy efficiency and conservation in Ontario and to engage in such activities as may be prescribed in the regulations.

“Director of Energy Efficiency Ontario

“(3) The minister shall appoint a director of energy efficiency who shall be responsible for managing and supervising Energy Efficiency Ontario, including the direction and management of the ministry’s energy efficiency and conservation activities, projects and programs, reporting to the Deputy Minister of Energy and Infrastructure.

“Annual report

“(4) At least 30 days before the beginning of the following fiscal year, the director of energy efficiency shall submit a report to the minister that includes,

“(a) Energy Efficiency Ontario’s proposals for the following fiscal year regarding steps to be taken,

“(i) to promote energy efficiency and conservation,

“(ii) to achieve reductions in energy demand and promote management of energy demand to assist the government of Ontario in achieving goals in energy conservation,

“(iii) to facilitate the provision of services relating to energy efficiency and conservation, and

“(iv) to coordinate energy efficiency and conservation activities, projects and programs among provincial agencies, including the Ontario Power Authority; and

“(b) a detailed description of the steps taken to implement the current year’s proposals and detailed information on the results achieved.

“Same

“(5) The director of energy efficiency shall make the report public within seven days of submitting it to the minister.”

Very simply, we need to be looking far beyond electricity if we’re going to deal with climate change and deal with energy issues in this province and energy issues in this country. We spend about \$40 billion a year on energy in Ontario, and about \$8 billion to \$9 billion of that is electricity. There is huge scope for energy efficiency far beyond electricity, and that should be part of the mandate and direction given to the minister in this province.

**The Chair (Mr. David Oraziotti):** Ms. Broten?

**Ms. Laurel C. Broten:** The ministry has an energy efficiency branch that fulfills the functions of the office described in the motion, so a new entity is not required. The motion is inconsistent with the provisions in the Green Energy Act that establish an independent and expanded reporting role for the Environmental Commissioner in Ontario, as well as increased responsibility for the LDCs for delivery of conservation programs and reporting.

**The Chair (Mr. David Oraziotti):** Motion number 49, NDP motion: All those in favour? Opposed? The motion is lost.

Shall schedule C, section 3 carry? Carried.

Section 4: There are no amendments. Shall it carry? Carried.

Section 5: There are no amendments. Shall it carry? Carried.

Section 6: NDP motion number 50.

**Mr. Peter Tabuns:** I move that clause 8(1)(d) of the Ministry of Energy Act, as set out in subsection 6(1) of schedule C to the bill, be struck out and the following substituted:

“(d) make recommendations for the effective coordination of all energy matters within the government of Ontario with a view to ensuring the consistent application of policy in every area of concern regarding energy, and despite the generality of the foregoing, with respect to,

“(i) energy efficiency and conservation,

“(ii) renewable energy sources,

“(iii) the adequacy and sustainability of energy sources and supplies,

“(iv) the development of energy resources indigenous to Ontario, and

“(v) the achievement of reductions in emissions of greenhouse gases and other environmental effects of energy production, and the adaptation of energy systems in Ontario to the impacts of climate change.”

**The Chair (Mr. David Oraziotti):** Ms. Broten.

**Ms. Laurel C. Broten:** This amendment is not necessary, as extensive responsibilities have already been given to the Environmental Commissioner to examine these and other issues.

**The Chair (Mr. David Oraziotti):** NDP motion number 50: All those in favour? Opposed? The motion is lost. NDP motion 51R.

**Mr. Peter Tabuns:** I move that clause 8(1)(h) of the Ministry of Energy Act, as set out in subsection 6(1) of schedule C to the bill, be struck out and the following substituted:

“(h) do as a priority, and in order of descending priority reflecting the order of the subclauses to this clause, any one or more of encouraging, promoting, developing or participating in such activities, projects and programs as the minister considers appropriate,

“(i) to stimulate all cost-effective energy conservation, through the establishment of programs and policies within the ministry or such agencies as may be prescribed, load management and the use of renewable energy sources throughout Ontario,

“(ii) to increase the availability of renewable energy in Ontario and to increase the use of renewable energy sources in Ontario, and

“(iii) to increase the availability of combined heat and power generating facilities in Ontario; and

“(i) do any one or more of encouraging, promoting, developing or participating in such activities, projects and programs as the minister considers appropriate,

“(i) to encourage prudence in the use of energy in Ontario,

“(ii) to stimulate the planning and increase the development of infrastructure in Ontario,

“(iii) to support planning by government and communities for growth and building strong communities in Ontario,

“(iv) to support community-owned renewable energy and energy conservation projects,

“(v) to ensure the adequacy and sustainability of energy sources and supplies in Ontario,

“(vi) to encourage prudence, resilience and adaptive capacity in the supply and use of energy in Ontario,

“(vii) to achieve reductions in emissions of greenhouse gases and other environmental effects of energy and infrastructure provision and use,

“(viii) to ensure the adaptation of energy and infrastructure systems in Ontario to the impacts of climate change,

“(ix) to stimulate the planning and increase the development of sustainable infrastructure in Ontario,

“(x) to support planning for sustainability and prosperity and building strong communities in Ontario, including adaptation to the impacts of climate change, and

“(xi) to increase the availability of energy in Ontario.”

**The Chair (Mr. David Oraziotti):** Ms. Broten?

**Ms. Laurel C. Broten:** The ministry’s actions in different areas work in a complementary fashion, and it is not appropriate to prioritize the ministry’s responsibilities as proposed in this amendment.

1650

**The Chair (Mr. David Oraziotti):** Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** I would argue that there should be prioritization, that we should be setting out conservation and efficiency as central to this minister’s responsibilities. If you’re actually going to provide energy at a price that people can afford, the number one investment has to be efficiency and conservation. If you’re going to be part of 21st-century technological development, you have to focus there in order to make sure we bring on board the manufacturing capacity and the intellectual capacity to make the products that are going to be needed in this century.

It is not enough just to put this bill upon the waters and let it drift where it may. It has to have direction, and that direction has to be set out with a hierarchy of directives that will shape how the minister allocates resources. I note, as well, that it’s important for this minister to be looking at adaptation to climate change and taking into account greenhouse gas emissions when the minister carries out his or her task.

**The Chair (Mr. David Oraziotti):** Any further comment?

NDP motion number 51R: All those in favour? Opposed? The motion is lost.

Earlier, Mr. Tabuns indicated potential or proposed amendments 27 and 28. As a result, they are now out of order, because this section did not pass. However, we have to vote on schedule B.

Shall schedule B, section 2, carry? Carried.

Shall schedule B, as amended, carry? Carried.

We’ll come back to schedule C, section 6: NDP motion number 52. Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** I move that subsection 8(1) of the Ministry of Energy Act, as set out in subsection 6(1) of schedule C to the bill, be amended by adding the following clause:

“(j) authorize directives that would require the Ontario Energy Board to accord appropriate preferences for power generated by locally owned and controlled renewable power sources, including, but not limited to, price premiums and other preferences which may not be price-related.”

The idea that we should be providing opportunity to locally based economic enterprise—that we should be providing incentives for that—came up in presentations before this committee. This gives the minister direction to that end, and I think it will not only make the economy of Ontario stronger throughout the province—north, east, south and west—but it will also increase local development of technologies that we’re going to need in this century.

**The Chair (Mr. David Oraziotti):** Any further comment?

**Ms. Laurel C. Broten:** The government will not be accepting this amendment. The proposed feed-in tariff rates already provide a higher tariff for community projects, and the OPA will be establishing a program to help cover costs associated with community-based renewable energy projects and ensuring that they can be recovered.

**The Chair (Mr. David Oraziotti):** NDP motion number 52: Those in favour? Opposed? The motion is lost.

Motion number 53: Mr. Tabuns.

**Mr. Peter Tabuns:** I move that subsection 8(1) of the Ministry of Energy Act, as set out in subsection 6(1) of schedule C to the bill, be amended by adding the following clauses:

“(k) ensure that no ministry of the government of Ontario or public agency, including but not limited to the Ontario Power Authority, Ontario Electricity Financial Corporation, Ontario Power Generation and the Independent Electricity System Operator, shall sign a contract with a generator that obliges the purchaser to pay for some or all of the generator’s capital cost overruns associated with building or retrofitting a nuclear reactor;

“(l) ensure that no ministry of the government of Ontario or public agency shall act as the guarantor of debts of a generator associated with financing the construction or retrofit of nuclear reactors;

“(m) ensure that no ministry of the government of Ontario or public agency shall provide equity or debt financing for the construction or retrofit of nuclear reactors; and.”

**The Chair (Mr. David Oraziotti):** Ms. Broten.

**Ms. Laurel C. Broten:** This motion seeks to overturn clearly stated government policy that new-build nuclear and refurbished nuclear should be part of the future Ontario electricity supply mix. The Green Energy Act does not address nuclear procurement, as has been spe-

cifically clarified by previous amendments voted on by this committee.

**The Chair (Mr. David Oraziotti):** Mr. Tabuns.

**Mr. Peter Tabuns:** It's interesting: The Premier has made it clear in statements in the past that he won't accept overruns on nuclear investments, and we're debating a bill today that will give a fixed price for electricity produced by renewable energy facilities. This simply makes sure that facilities that produce nuclear power don't get to pass on their overruns to the rest of us and, frankly, that if an agency is going to develop nuclear power, it's going to have to prove its worth economically and not through support by taxpayers, period. So it's in fact consistent with what the government says can be done with nuclear: that it can be affordable and brought in at a fixed price.

**The Chair (Mr. David Oraziotti):** Any further comments?

NDP motion number 53: All those in favour? Opposed?

The motion is lost.

Number 54: Mr. Tabuns.

**Mr. Peter Tabuns:** I move that subsection 8(1) of the Ministry of Energy Act, as set out in subsection 6(1) of schedule C to the bill, be amended by adding the following clause:

“(n) establish leasing programs through agencies of the provincial government or in partnership or under contract with other organizations to lease to energy users in Ontario, in order to reduce consumption of fossil fuels and electricity,

“(i) solar thermal, geo-exchange, and other renewable thermal or cooling technologies, and

“(ii) energy-efficiency or conservation materials, installations or equipment.”

We had a number of presentations in a number of jurisdictions saying that not only should we be addressing renewable electricity but renewable thermal. This, I think, is the method that would be most effective for the government to promote solar thermal technologies in this province, and one that should be part of this bill. It's the Green Energy Act, not just the green electricity act, and needs the inclusion of this sort of tool—lever—for the government to actually deliver what this province needs to have delivered.

**The Chair (Mr. David Oraziotti):** Further comments?

NDP motion number 54: All those in favour? Opposed?

The motion is lost.

Shall schedule C, section 6, carry? Carried.

Schedule C, section 7: There are no amendments. Shall it carry? Carried.

New proposed schedule C, section 7.1 is out of order. That's motion 55, Mr. Tabuns.

**Mr. Peter Tabuns:** Yes.

**The Chair (Mr. David Oraziotti):** Shall schedule C carry? Carried.

Schedule D, section 1: government motion number 56. Ms. Mitchell.

**Mrs. Carol Mitchell:** I move that paragraph 3 of subsection 1(1) of the Ontario Energy Board Act, 1998, as set out in section 1 of schedule D to the bill, be struck out and the following substituted:

“3. To promote electricity conservation and demand management in a manner consistent with the policies of the government of Ontario, including having regard to the consumer's economic circumstances.”

**The Chair (Mr. David Oraziotti):** Any comments, Ms. Broten?

**Ms. Laurel C. Broten:** The amendment has been proposed to clarify that the economic circumstances of consumers will have a bearing on the board fulfilling its electricity conservation objectives.

**The Chair (Mr. David Oraziotti):** Any further comments?

Government motion number 56: All in favour? Carried

Number 57R: Mr. Tabuns.

**Mr. Peter Tabuns:** I move that subsection 1(1) of the Ontario Energy Board Act, 1998, as set out in section 1 of schedule D to the bill, be amended by adding the following paragraphs:

“6. To promote the priorities set out in clause 6(1)(h) of the Ministry of Energy and Infrastructure Act.

“7. To reduce overall consumption of electricity by a minimum of 25 terawatt hours per year by 2014.

“8. To add a minimum of 15 terawatt hours per year of renewable energy supply by 2014.”

**1700**

The objective here, following on the example of the feed-in tariff laws in Germany, is to set a standard, a target that the government has to shoot for so that people—the Legislature—can hold them to account for their implementation or non-implementation of the bill before us. Without a target that people can cite, it will be very difficult for this government to actually be held to account for this bill.

**The Chair (Mr. David Oraziotti):** Motion 57R: Any comments? Ms. Broten.

**Ms. Laurel C. Broten:** Achieving specific targets in the areas of provincial electricity consumption and renewable energy supply is not the role of the Ontario Energy Board. This should be accomplished by other channels, particularly minister's directives to the Ontario Power Authority and subsequent implementation through the OPA's integrated power system plan. It is not appropriate for the OEB to promote all of the priorities of the ministry.

**The Chair (Mr. David Oraziotti):** NDP motion 57R: All those in favour? Opposed?

**Mr. John Yakabuski:** I haven't had a chance to speak to that.

**Ms. Laurel C. Broten:** You're not moving fast enough.

**Mr. John Yakabuski:** This is the one to reduce overall consumption?

**The Chair (Mr. David Oraziotti):** The question has been put and voted on.

**Mr. John Yakabuski:** Well, you're not being very loud there, Mr. Chair.

**The Chair (Mr. David Oraziotti):** I'll try to be louder for you, Mr. Yakabuski.

NDP motion 57R is lost.

Shall schedule D, section 1, as amended, carry? Carried.

Schedule D, section 2: NDP motion 58. Go ahead, Mr. Tabuns.

**Mr. Peter Tabuns:** I move that paragraph 5 of section 2 of the Ontario Energy Board Act, 1998, as set out in section 2 of schedule D to the bill, be struck out and the following substituted:

"5. To promote energy conservation and energy efficiency and to ensure the pursuit of all cost-effective opportunities for energy conservation and energy efficiency for all consumers in Ontario."

Very simply, we have to continue to build into this act and direct to all bodies that are involved with energy in this province that energy conservation and efficiency are our cheapest options, our best options. Frankly, in this act, making sure that the OEB is directed to pursue all cost-effective opportunities is to our advantage, consistent with the stated purpose of the government and something that should be supported.

**The Chair (Mr. David Oraziotti):** Mr. Yakabuski.

**Mr. John Yakabuski:** It almost sounds a little bit like the last motion—the amendment that the NDP proposed where they actually set out some targets for energy conservation, reduction of energy usage, and also that the amount of renewable supply that we brought in would be brought into the system. So I'm actually speaking to that one because I support the principle behind it. I may not agree with the targets, but the problem with the government's bill is that they have established no targets whatsoever. It is kind of rich to be bringing in a bill that's 65 pages long and deals with so many things but doesn't actually establish targets.

I just wanted to get that in there. Thank you very much.

**The Chair (Mr. David Oraziotti):** Further comments? NDP motion 58: All in favour? Opposed? The motion is lost.

Number 59: a government motion. Ms. Mitchell?

**Mrs. Carol Mitchell:** I move that paragraph 5 of section 2 of the Ontario Energy Board Act, 1998, as set out in section 2 of schedule D to the bill, be struck out and the following substituted:

"5. To promote energy conservation and energy efficiency in accordance with the policies of the government of Ontario, including having regard to the consumer's economic circumstances."

**The Chair (Mr. David Oraziotti):** Further comment? Government motion 59: All those in favour? Opposed? Carried.

NDP motion 60: Mr. Tabuns.

**Mr. Peter Tabuns:** I move that schedule D of the bill be amended by adding the following subsection:

"(2) Section 2 of the act is amended by adding the following paragraph:

"7. To promote the priorities set out in clause 6(1)(h) of the Ministry of Energy and Infrastructure Act."

**The Chair (Mr. David Oraziotti):** Any comments? All those in favour? Opposed? The motion is lost.

Number 61: Mr. Tabuns.

**Mr. Peter Tabuns:** I move that section 2 of schedule D of the bill, amending section 2 of the Ontario Energy Board Act, 1998, be amended by adding the following subsection:

"(3) Section 2 of the act is amended by adding the following subsection:

"Cost effectiveness

"(2) For the purposes of paragraph 5 of subsection (1), cost effectiveness

"(a) includes consideration of the environmental and social benefits of and environmental and social costs avoided as a result of energy efficiency and energy conservation initiatives; and

"(b) may, at the board's discretion, be assessed on a portfolio rather than an individual program or measure basis."

The concern here is to drive the policy that this act is supposed to fulfill towards energy efficiency and conservation as the central consideration, the one that will give us the most effect. For those in the north who have been affected by high energy rates, a province that invests in efficiency and conservation is going to make their situation better. For those in the south who are dealing with gas peaker plants and want to have some direction from the government to reduce the amount of money that's invested in gas plants, investment in efficiency and conservation is to their advantage.

Again, as I've said, if you want to be part of what's going to happen with energy in this century, you have to develop your expertise in efficiency and conservation. That's not going to happen unless the markets are there, and for the markets to be there, you have to have the government driving the agenda.

**The Chair (Mr. David Oraziotti):** Ms. Broten.

**Ms. Laurel C. Broten:** The ministry, through its IPSP directives and various other directive-making abilities, is more effectively able to provide the appropriate policy context for the OEB to consider social and environmental externalities. Rather than holding the OEB directly responsible for such policy matters, Bill 150 has expanded the role of the OEB, and all players in the energy sector will have a role in pursuing all cost-effective energy conservation and energy efficiency, guided by the policy direction set by the ministry.

**The Chair (Mr. David Oraziotti):** NDP motion 61: All those in favour? Opposed? The motion is lost.

Shall schedule D, section 2, as amended, carry? Carried.

Schedule D, section 3: government motion number 62. Ms. Mitchell.

**Mrs. Carol Mitchell:** I move that section 3 of the Ontario Energy Board Act, 1998, as amended by subsection 3(1) of schedule D to the bill, be amended by adding the following definition:

“‘distribute,’ with respect to electricity, means to convey electricity at voltages of 50 kilovolts or less; (‘distribuer’).”

**The Chair (Mr. David Oraziotti):** Government motion number 62: All those in favour? Opposed?

**Mr. John Yakabuski:** Can I ask an explanation as to—

**The Chair (Mr. David Oraziotti):** Mr. Yakabuski, go ahead.

**Mr. John Yakabuski:** What’s the purpose of adding that definition of “distribute”?

**Ms. Laurel C. Broten:** This is a technical amendment. The definition of “distribute” is moved from the OEBA, section 56, to the OEBA, section 3, in order to ensure that the definition can be utilized throughout the entire OEBA and is not limited to part V, the regulation of electricity, of the act.

**Mr. John Yakabuski:** Makes perfect sense.

**The Chair (Mr. David Oraziotti):** All those in favour of government motion number 62? Opposed? The motion is carried.

Government motion number 63: Ms. Mitchell.

**Mrs. Carol Mitchell:** I move that section 3 of the Ontario Energy Board Act, 1998, as amended by subsection 3(3) of schedule D to the bill, be amended by adding the following definition:

“‘transmit,’ with respect to electricity, means to convey electricity at voltages of more than 50 kilovolts; (‘transporter’).”

**The Chair (Mr. David Oraziotti):** Government motion number 63: All those in favour? Opposed? The motion is carried.

Shall schedule D, section 3, as amended, carry? Carried.

Schedule D, sections 4 and 5: There are no amendments. Shall they carry? Carried.

Schedule D, section 6: NDP motion 64. Mr. Tabuns.

**Mr. Peter Tabuns:** I move that paragraph 1 of subsection 26.1(1) of the Ontario Energy Board Act, 1998, as set out in section 6 of schedule D to the bill, be struck out and the following substituted:

“1. In respect of consumers in their service areas, gas and electricity distributors and licensed distributors.”

It provides the mechanism for the funding of energy efficiency and conservation.

1710

**Ms. Laurel C. Broten:** Government motion number 65 will provide the same clarity being sought in motion 64.

**The Chair (Mr. David Oraziotti):** All those in favour of NDP motion 64? Opposed? The motion is lost.

Government motion 65: Ms. Mitchell.

**Mrs. Carol Mitchell:** I move that section 26.1 of the Ontario Energy Board Act, 1998, as set out in section 6

of schedule D to the bill, be amended by adding the following subsections:

“Assessments, collection by gas distributors and licensed distributors

“(1.1) Gas distributors and licensed distributors may collect the amounts assessed under subsection (1) from the consumers or classes of consumers as are prescribed by regulation and in the manner prescribed by regulation.

“Assessments, IESO

“(1.2) The IESO may collect the amounts assessed under subsection (1) from market participants or classes of market participants as are prescribed by regulation and in the manner prescribed by regulation.”

**The Chair (Mr. David Oraziotti):** Government motion 65: Any debate? All those in favour? Opposed? The motion is carried.

NDP motion 66: Mr. Tabuns.

**Mr. Peter Tabuns:** I move that paragraph 1 of subsection 26.2(2) of the Ontario Energy Board Act, 1998, as set out in section 6 of schedule D of the bill, be struck out and the following substituted:

“1. To fund conservation or renewable energy programs aimed at decreasing consumption of electricity, fossil fuels, uranium or wood.”

Very simply, if you’re going to have conservation programs and you’re going to set out the materials you want to have reduced in consumption, uranium should be part of that list.

**The Chair (Mr. David Oraziotti):** Comments? Ms. Broten.

**Ms. Laurel C. Broten:** This motion misinterprets the intent of ministry programs that are based on helping end users to reduce their energy use. Uranium as a fuel is not directly consumed by end users. The list of fuels to be conserved does include electricity, which would include generation from nuclear stations.

**The Chair (Mr. David Oraziotti):** NDP motion number 66: All those in favour? Opposed? The motion is lost.

Schedule D, section 6: Shall it carry, as amended? Carried.

Schedule D, section 7: Conservative motion 60. It’s not an amendment.

*Interjections.*

**The Chair (Mr. David Oraziotti):** You can, but we voted on it and I called the question on it.

**Mr. John Yakabuski:** You didn’t say, “PC motion 66.1.”

**The Chair (Mr. David Oraziotti):** It’s not a motion; it’s a notice. You don’t vote on that separately. We voted on the section and I asked for any comments on that and called the question on it.

We’re moving to section 7. Conservative motion 66.2 is your motion.

**Mr. John Yakabuski:** I move that section 27.2 of the Ontario Energy Board Act, 1998, as set out in section 7 of schedule D to the bill, be struck out and the following substituted:

“Policy statements re conservation and demand management targets

“27.2(1) The minister may issue policy statements to the board that have been approved by the Lieutenant Governor in Council that request that the board consider steps specified in the statement to establish conservation and demand management targets to be met by distributors and other licensees.

“Policy statements, specified targets

“(2) To promote conservation and demand management, a policy statement may request that the board consider specifying, as a condition of a licence, the conservation targets associated with those specified in the statement, and the board may, in its discretion, apportion the targets between distributors and other licensees.

“Same

“(3) A policy statement made under subsection (2) may require the OPA to provide information to the board or to the ministry about the conservation targets referred to in subsection (2) or the contracts referred to in subsection (5).

“Policy statements re distributors

“(4) Subject to subsection (6), a policy statement may request that the board consider specifying, as a condition of a licence, that a distributor meet, at its discretion, any portion of its conservation target by seeking the approval of the board for the conservation and demand management programs to be offered in its service area.

“Policy statements, contracting with the OPA

“(5) A policy statement may request that the board consider specifying, as a condition of a licence, that a distributor meet, at its discretion, any portion of its conservation target by contracting with the OPA to meet the target through province-wide programs offered by the OPA.

“Hearings

“(6) A policy statement may request that board consider whether to hold a hearing, the circumstances which the board may consider in deciding whether or not to hold a hearing and, if a hearing is to be held, criteria the board may consider in determining the type of hearing to be held.

“Publication

“(7) A policy statement issued under this section shall be published in the Ontario Gazette.”

**The Chair (Mr. David Oraziotti):** Any further comment? Go ahead.

**Mr. John Yakabuski:** Section 27.2 directives re conservation demand management targets: The government should not be in the business of abusing its directive powers to an independent regulatory agency such as the OEB, which is a specialized quasi-judicial tribunal. These directive powers should be removed and replaced with policy statements for the OEB to follow.

In subsections (2), (4), (6) and (7), a similar comment against the use of directive power applies. I have no problem with the directive power to the OPA in this section.

**The Chair (Mr. David Oraziotti):** Further comments? Ms. Broten.

**Ms. Laurel C. Broten:** This proposed amendment would make the establishment of conservation targets for distributors by the OEB a matter to be set through a request to the board by policy statement as opposed to a minister’s directive. Minister’s directives, once approved by the Lieutenant Governor in Council, are mandatory and carry the force of law. So, in effect, this motion would make it voluntary on the OEB to establish such conservation targets. Accordingly, the government cannot accept this amendment.

**The Chair (Mr. David Oraziotti):** Further comments? Seeing none, on motion 66.2, all those in favour? Opposed? The motion is lost.

Government motion 67: Ms. Mitchell.

**Mrs. Carol Mitchell:** I move that section 27.2 of the Ontario Energy Board Act, 1998, as set out in section 7 of schedule D to the bill, be amended by adding the following subsection:

“Public reporting

“(5.1) To promote a culture of conservation and demand management, a directive may require the board to specify, as a condition of a licence, that the licensee make public, by such means and at such time as specified in the directive, the steps that the licensee has taken to meet its targets and the results that have been achieved in meeting those targets.”

**The Chair (Mr. David Oraziotti):** Ms. Broten?

**Ms. Laurel C. Broten:** This amendment allows the minister to require that distributors report publicly on their success in achieving the conservation and demand management targets set by the OEB.

**The Chair (Mr. David Oraziotti):** Further comment? All in favour of government motion 67? Opposed? The motion is carried.

NDP motion 68, Mr. Tabuns.

**Mr. Peter Tabuns:** I move that section 27.2 of the Ontario Energy Board Act, 1998, as set out in section 7 of schedule D to the bill, be amended by adding the following subsections:

“Pursuing energy conservation and energy efficiency

“(8) Distributors and other licensees shall pursue all cost-effective opportunities for energy conservation and energy efficiency in their service areas.

“Cost effectiveness

“(9) For the purposes of subsection (8), cost effectiveness

“(a) includes consideration of the environmental and social benefits, and environmental and social costs avoided as a result of energy efficiency and energy conservation initiatives; and

“(b) shall be assessed on a portfolio rather than individual program or measure basis.”

Again, it’s a question of driving this bill and driving those who are covered by this bill to see conservation and efficiency as the central part of what has to happen in this province, and if we don’t require it, we’re not going to get it.

**The Chair (Mr. David Oraziotti):** NDP motion 68: All those in favour? Opposed? The motion is lost.

Shall schedule D, section 7, as amended, carry? Carried.

Conservation motion 68.1: Mr. Yakabuski. Go ahead.

1720

**Mr. John Yakabuski:** It's kind of nice to have an opportunity.

I move that section 28.5 of the Ontario Energy Board Act, 1998, as set out in section 8 of schedule D to the bill, be struck out and the following substituted:

“Directives, smart grid

“28.5(1)—

*Interjection.*

**Mr. John Yakabuski:** I can't pick up—Mr. Mauro is not coming into my mike. We have to get him wired differently.

“28.5(1) The minister may issue policy statements to the board that have been approved by the Lieutenant Governor in Council that request that the board consider steps specified in the statement relating to the establishment, implementation or promotion of a smart grid for Ontario.

“Hearings

“(2) A policy statement may request that the board consider whether to hold a hearing, and the circumstances which the board may consider in deciding whether or not to hold a hearing.

“Publication

“(3) A policy statement issued under this section shall be published in the Ontario Gazette.”

Section 28.5, “Directives, smart grid”—this must be removed, and only be on policy advice from the Lieutenant Governor in Council to the OEB.

**The Chair (Mr. David Oraziotti):** Any further comments? Mr. Yakabuski.

**Mr. John Yakabuski:** Those were my comments.

**The Chair (Mr. David Oraziotti):** Ms. Broten.

**Ms. Laurel C. Broten:** Encouraging and facilitating the enhanced investment in the smart grid is critically important to maintaining Ontario's competitive position. Accordingly, we cannot accept this amendment, which seeks to use the words “policy statement” in place of “directive” and to advance the concept of best efforts as opposed to compliance.

**The Chair (Mr. David Oraziotti):** Further comments? Conservative motion 68.1: All those in favour? Opposed? The motion is lost.

Motion 68.2: Mr. Yakabuski, go ahead.

**Mr. John Yakabuski:** I move that section 28.6 of the Ontario Energy Board Act, 1998, as set out in section 8 of schedule D to the bill, be struck out and the following substituted:

“Policy statements, connections

“28.6(1) The minister may issue policy statements to the board that have been approved by the Lieutenant Governor in Council that request that the board consider steps specified in the statement relating to the connection of renewable energy generation facilities to a trans-

mitter's transmission system or a distributor's distribution system.

“Policy statements, transmission and distribution systems

“(2) A statement issued under subsection (1) may request that the board consider amending the licence conditions of distributors, transmitters and other licensees to take the actions specified in the statement in relation to their transmission systems, distribution systems or other associated systems, including enhancing, reinforcing or expanding their transmission system or distribution system.

“Hearings

“(3) A policy statement may request that the board consider whether to hold a hearing and the circumstances which the board may consider in deciding whether or not to hold a hearing.

“Guidelines re processes and timing

“(4) In relation to paragraph 5 of subsection 1(1), the minister may issue guidelines setting out goals or targets for the board in relation to its processes associated with the timely expansion or reinforcement of transmission systems and distribution systems to accommodate the connection of renewable energy generation facilities, including the timing of those processes and the time within which the board may complete the processes.”

Same rationale as the last one: It should be policy advice from the Lieutenant Governor in Council to the OEB.

**The Chair (Mr. David Oraziotti):** Any comments? Ms. Broten.

**Ms. Laurel C. Broten:** A critical component of the Green Energy Act is to ensure that grids are continually expanded and upgraded to facilitate the connection of more renewable energy projects and to remove transmission and distribution constraints to greater renewable energy investment. The directive authority in this section is absolutely critical to ensuring that this policy goal can be met.

**Mr. John Yakabuski:** We just don't want—

**The Chair (Mr. David Oraziotti):** Mr. Yakabuski, would you like to comment?

**Mr. John Yakabuski:** It's, again, what we talked about so much in the hearings, where we're just putting everything in the hands of the minister to direct the electricity system in this province, basically sidestepping and overstepping and eviscerating the OEB. That's something that we think the bill should stop, or that they should stop using the bill in that way.

**The Chair (Mr. David Oraziotti):** Motion 68.2: All those in favour? Opposed? The motion is lost.

Shall schedule D, section 8, pass? Carried.

Schedule D, section 9, government motion 69: Ms. Mitchell.

**Mrs. Carol Mitchell:** I move that section 9 of schedule D to the bill be struck out and the following substituted:

“9. The definitions of ‘distribute,’ ‘distribution system,’ ‘distributor,’ ‘IESO,’ ‘OPA,’ ‘transmission system,’

'transmit' and 'transmitter' in section 56 of the act are repealed."

**The Chair (Mr. David Oraziotti):** Any further comment? All those in favour of government motion 69? Opposed? The motion's carried.

Shall schedule D, section 9, as amended, carry? Carried.

Schedule D, section 10, government motion 70: Ms. Mitchell.

**Mrs. Carol Mitchell:** I move that section 70 of the Ontario Energy Board Act, 1998, as amended by section 10 of schedule D to the bill, be amended by adding the following subsection:

"Approvals, etc., with or without holding hearing

"(1.1) The board may, with or without a hearing, grant an approval, consent or make a determination that may be required for any of the matters provided for in a licensee's licence."

**The Chair (Mr. David Oraziotti):** Any comments on the government motion? All those in favour? Mr. Tabuns?

**Mr. Peter Tabuns:** Could the government clarify what that will mean in actual practice?

**The Chair (Mr. David Oraziotti):** Ms. Broten.

**Ms. Laurel C. Broten:** This amendment is seeking to clarify that approvals for determinations made by the OEB on matters relating to a distributor's or transmitter's licence can be made with or without a hearing. Other requirements for due process by the board in making approvals and determinations elsewhere in the Ontario Energy Board Act still apply.

**The Chair (Mr. David Oraziotti):** Any further comments? Government motion 70: All those in favour? Opposed? The motion is carried.

Conservative motion 70.1: Mr. Yakabuski.

**Mr. John Yakabuski:** I move that subsection 70(2.1) of the Ontario Energy Board Act, 1998, as set out in section 10 of schedule D to the bill, be amended and the following substituted:

"Same, transmitters and distributors

"(2.1) The conditions of a transmitter's or distributor's licence may include the following:

"1. The licensee may be required to provide, in the manner mandated by the market rules or by the board, priority connection access to its transmission system or distribution system for renewable energy generation facilities that meet the requirements prescribed by regulation made under subsection 26(1.1) of the Electricity Act, 1998.

"2. The licensee may be required to prepare plans, in the manner and at the times mandated by the board, and to file them with the board for approval for,

"i. the expansion or reinforcement of the licensee's transmission system or distribution system to accommodate the connection of renewable energy generation facilities, and

"ii. the development and implementation of the smart grid in relation to the licensee's transmission system or distribution system.

"3. The licensee may be required, in accordance with a plan referred to in paragraph 2 that has been approved by the board or in such other manner and at such other times as mandated by the board,

"i. to expand or reinforce its transmission system or distribution system to accommodate the connection of renewable energy generation facilities, and

"ii. to make investments for the development and implementation of the smart grid in relation to the licensee's transmission system or distribution system."

Section 70 of the act is amended to deem licence conditions for transmitters and distributors. This is offensive to the regulatory authority bestowed on the OEB. All of it should be removed from the legislation or, alternatively, possibly allowed as factors the OEB should consider in issuing licences to transmission and distribution companies. The exception in subsection (3), allowing a distributor to own and operate a 10-megawatt renewable energy facility or a generation facility, should not be allowed in the distribution company.

**The Chair (Mr. David Oraziotti):** Any comments? Ms. Broten.

**Ms. Laurel C. Broten:** Deemed licence conditions are central to the Green Energy Act in order to ensure that distributors and transmitters would immediately, under guidance from the OEB, begin preparation of plans for expansion, where needed. Furthermore, the proposed motion would reduce the crown's ability to regulate the electricity sector as it relates to the preparation of grid expansion plans for connection of renewable energy generation to the transmission and distribution systems.

1730

The crown's authority is provided for because of the many social, economic and environmental factors that need to be considered in policy development related to encouraging renewable energy generation.

**The Chair (Mr. David Oraziotti):** Any further comments?

Conservative motion 70.1: All those in favour? Opposed? The motion is lost.

Shall schedule D, section 10, as amended, carry? That section is carried.

Schedule D, section 11: Any debate on the section?

**Mr. John Yakabuski:** The Progressive Conservative caucus recommends voting against section 11 of schedule D of the bill.

**The Chair (Mr. David Oraziotti):** Any further comment?

**Mr. John Yakabuski:** No.

**The Chair (Mr. David Oraziotti):** Shall schedule D, section 11, carry? Carried.

Schedule D, section 12: government motion 71R.

**Mrs. Carol Mitchell:** I move that section 78 of the Ontario Energy Board Act, 1998, as amended by subsection 12(2) of schedule D to the bill, be amended by adding the following subsection:

"Methods re incentives or recovery of costs

“(3.0.5) The board may, in approving or fixing just and reasonable rates or in exercising the power set out in clause 70(2)(e), adopt methods that provide,

“(a) incentives to a transmitter or a distributor in relation to the siting, design and construction of an expansion, reinforcement or other upgrade to the transmitter’s transmission system or the distributor’s distribution system; or

“(b) for the recovery of costs incurred or to be incurred by a transmitter or distributor in relation to the activities referred to in paragraph (a).”

**The Chair (Mr. David Oraziotti):** Ms. Broten?

**Ms. Laurel C. Broten:** This provision is designed to support the implementation of a smart grid and to support priority access for and the connection of renewable energy generation facilities. This provision would allow the board enhanced flexibility to address cost recovery in relation to the capital investment plans to support priority access for renewable energy generation facilities.

**The Chair (Mr. David Oraziotti):** Any further comments? All in favour of government motion 71? Opposed? The motion is carried.

Motion 72R: Ms. Mitchell.

**Mrs. Carol Mitchell:** I move that section 12 of schedule D to the bill be amended by adding the following subsection:

“(3) Subsection 78(6) of the act is repealed and the following substituted:

“Conditions, etc.

“(6) An order under this section may include conditions, classifications or practices, including rules respecting the calculation of rates, applicable,

“(a) to the smart metering entity in respect of meeting its obligations;

“(b) to an activity prescribed for the purposes of subsection (3); and

“(c) to the transmission, distribution or retailing of electricity.”

**The Chair (Mr. David Oraziotti):** Any further comments? Ms. Broten?

**Ms. Laurel C. Broten:** This motion provides for a consequential amendment to clarify that the OEB has the authority to make rate orders which include conditions, classifications or practices relating to prescribed activities provided for under subsection 78(3).

**The Chair (Mr. David Oraziotti):** Further comments? Government motion 72: All those in favour? Opposed? The motion is carried.

Shall schedule D, section 12, as amended, carry? Carried.

Schedule D, section 13: There are no amendments. Shall the section carry? Carried.

Schedule D, section 14: NDP motion number 73. Mr. Tabuns.

**Mr. Peter Tabuns:** I move that section 79.1 of the Ontario Energy Board Act, 1998, as set out in section 14 of schedule D to the bill, be amended by adding the following subsections:

“Rate assistance programs for low-income consumers

“(1.1) The board shall design and implement a permanent rate assistance program for Ontario’s low-income consumers who are vulnerable to increases in shelter and utility costs.

“Same

“(1.2) The program shall include, but not be restricted to, components of rate affordability, arrears management, crisis intervention, conservation and demand management and consumer protections, to ensure that Ontario’s low-income consumers do not pay more than 6% of their total household income on energy.

“Same

“(1.3) The program shall be put in place on or before the day that is one year after the day the Green Energy and Green Economy Act, 2009 comes into force.”

Very simply, we have had presentations before us about low-income ratepayers who are in very difficult circumstances, some of them facing insecurity and potential eviction. People need support to carry high and rising energy costs, and this section, I think, would be consistent with what the government has said about the need to support those of low income.

**The Chair (Mr. David Oraziotti):** Ms. Broten?

**Ms. Laurel C. Broten:** Government motion number 59, which was previously voted on at committee, requires the OEB to consider consumers’ economic circumstances when promoting energy conservation and energy efficiency. We agree that there is a necessity to have greater protection in our province from energy prices for low-income Ontarians. We look for opportunities to build on that, to offer greater protection for low-income people, and especially to identify low-income individuals and to target conservation initiatives at them so as to lessen the overall use of electricity as a strategy to try to make sure that their bills are more manageable.

The Ontario Energy Board has recently announced a low-income energy assistance program, which will be a significant board undertaking to address emergency relief, arrears management, and conservation and demand management initiatives.

**The Chair (Mr. David Oraziotti):** Any further comments?

**Mr. John Yakabuski:** Yes. It’s clear by this request for an amendment on the part of the NDP and by the government’s response to it that they know that prices for electricity under this act are going up substantially, even though the minister continues to insist that it will mean nothing on our electricity bills. We haven’t had a single person come to the hearings, in any of the seven days that we had hearings, and agree with the minister of that issue. But I guess it’s part of his messaging that he’s going to continue with that he insists that this is going to add 1% per year to a person’s electricity bill when there’s not a credible group, person or forecaster out there that agrees with him.

I understand the NDP coming forth with an amendment like this because they have grave concerns for the financial health of so many of our low-income people and for what effects this act is going to have on them. I

have a tendency to agree with them, but I'll probably still vote against their amendment because, listen, they haven't voted for a single one of mine. But I do certainly understand where they're coming from, and it's wrong-headed of this government to keep insisting that it's not going to mean anything, but everything they do supports the position that the act is going to be very, very costly for electricity consumers.

**The Chair (Mr. David Oraziotti):** Motion number 73: Any further comments? All those in favour? Opposed? The motion is lost.

Motion number 74: Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** I move that section 79.1 of the Ontario Energy Board Act, 1998, as set out in section 14 of schedule D to the bill, be amended by adding the following subsection:

"Same, rules

"(3.1) The following rules apply with respect to this section:

"1. The class of consumers who make contributions under subsection (3) to compensate a distributor under subsection (2) is not limited to consumers in the distributor's service area but includes all consumers.

"2. For the purposes of subsection (1), the costs to make an eligible investment for the purpose of connecting or enabling the connection of a qualifying generation facility, where the generation facility is a renewable energy generation facility, include all connection costs and enabler line costs beyond on-site connection cost for renewable energy generation."

**1740**

This is taken from recommendations made to us by the green energy alliance and others who presented to us about the need for what they refer to as "shallow connection costs" for renewable energy projects, and that is that the cost of connecting to the system be limited, rather than requiring them to pay for the costs of extended connection to the grid. If we put renewable energy generators in a position where they have to pay extended costs, we will substantially discourage investment in renewable energy in this province.

This is a reasonable approach. This whole province will benefit from the economic development spinoffs from investment in renewable energy, from the reduction in air pollution and from the development of energy independence, and it makes sense for us to make these investments for an infrastructure that will allow them to connect.

**The Chair (Mr. David Oraziotti):** NDP motion number 74: Any comments? Ms. Broten.

**Ms. Laurel C. Broten:** The GEA already empowers the OEB to spread distribution cost upgrades equitably among customers, and the OPA and the OEB are currently developing an appropriate economic test that will be applied to all renewable energy projects to determine the appropriate connection costs, as is done in jurisdictions such as Germany.

**Mr. Peter Tabuns:** Then the government should have no problem supporting this amendment.

*Interjection.*

**Mr. Peter Tabuns:** I don't think they were asking for it because they thought it was redundant; I think the groups were asking for it because they thought it was necessary.

**The Chair (Mr. David Oraziotti):** NDP motion number 74: All those in favour? Opposed? The motion is lost.

Motion number 75: Mr. Tabuns.

**Mr. Peter Tabuns:** I move that section 79.1 of the Ontario Energy Board Act, 1998, as set out in section 14 of schedule D to the bill, be amended by adding the following subsection:

"No recovery of cost overruns associated with nuclear reactors

"(4.1) The board shall not allow entities that it regulates, including but not restricted to Ontario Power Generation and Bruce Power, to recover from consumers their capital cost overruns associated with the construction or retrofit of nuclear reactors."

The situation is that we, in going through this bill, are setting a fixed price for renewable energy generation. We should have the same regulatory regime for nuclear power generators. Frankly, if you want investment in green energy renewable power in this province, there has to be a balancing of the playing field. The fact that nuclear power is allowed to overrun without economic consequences for the proponents is of great concern to this province. It has damaged our electricity system; it has damaged our competitiveness.

The Toronto Dominion Bank put out a paper within the last 12 months authored by Don Drummond talking about the loss of the affordability advantage that Ontario has and pointing to nuclear power as one of the central pieces of the problem in this province. For us to continue to provide the nuclear industry with a backstop means that power prices in this province are going to be driven up substantially, and we should not be allowing that. We have an opportunity, with the bill before us, to make a difference, and we should be taking that opportunity.

**The Chair (Mr. David Oraziotti):** Further comment?

**Ms. Laurel C. Broten:** The Ontario Energy Board already has the legal authority and ability to determine whether costs are prudently incurred and to allow recovery of only prudently incurred costs.

With respect to the current nuclear process, for the first time we are using a competitive commercial process to select our nuclear vendor from three leading international companies, and the process will help us ensure that we get the best deal for Ontarians.

**Mr. Peter Tabuns:** In the United States they've had substantial problems with the cost of new builds. In Finland, there are substantial problems with Areva and its new build. I don't think that simply having a competitive process is adequate to protect consumers in this province. Frankly, it should be very clear, in the directions to the OEB in statute, that the taxpayers and consumers of this province aren't going to carry the can.

I think the government and the opposition, particularly the opposition, given their concerns over costs, should be

supporting a restriction on the passing on of overruns to taxpayers and ratepayers.

**Ms. Laurel C. Broten:** As I've said, we're committed to running a fair and transparent and competitive process, and our deal is to get the best possible deal for Ontarians with respect to the lifetime cost of power, the ability to meet Ontario's timetable and the level of investment in Ontario.

**Mr. Peter Tabuns:** Recorded vote.

### Ayes

Tabuns.

### Nays

Bailey, Broten, Kular, Mauro, Mitchell, Yakabuski.

**The Chair (Mr. David Oraziotti):** The motion is lost. NDP motion 76: Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** I move that section 79.1 of the Ontario Energy Board Act, 1998, as set out in section 14 of schedule D to the bill, be amended by adding the following subsection:

“Right of first refusal

“(5.1) If a non-profit renewable energy generator ceases operation, non-profit purchasers, including OPG, distributors and municipalities, shall have the first right of refusal for purchase of the renewable energy generation facility.”

Very simply, if we want to give benefit to non-profit and community producers through this bill, should they go out of business, the public should be able to continue to benefit from that initial investment by having first right of refusal to purchase those facilities. It's consistent, again, with what the government says is its direction, and one that should be included in this act.

**The Chair (Mr. David Oraziotti):** Ms. Broten.

**Ms. Laurel C. Broten:** As set out in the GEA, we want to encourage all sectors to participate in renewable energy projects, and the GEA brings forward a number of initiatives to make this a priority. This proposed amendment we cannot accept, however, because we are of the view that it could have the unintended consequence of making it more difficult for non-profit groups to raise capital in their financing due to concerns about the difficulty associated with the sale of the project.

**The Chair (Mr. David Oraziotti):** Further debate? NDP motion 76: All those in favour? Opposed? The motion is lost.

Shall schedule D, section 14, carry? The section is carried.

Schedule D, section 15, government motion 77: Ms. Mitchell.

**Mrs. Carol Mitchell:** I move that clause 88(1)(g.3.2) of the Ontario Energy Board Act, 1998, as set out in section 15 of schedule D to the bill, be struck out and the following substituted:

“(g.3.2) governing,

“(i) the capacity of a renewable energy generation facility referred to in clause 71(3)(a) and criteria for a renewable energy generation facility for the purposes of clause 71(3)(a),

“(ii) criteria for a generation facility that uses technology that produces power and thermal energy from a single source for the purposes of clause 71(3)(b), and

“(iii) criteria for an energy storage facility for the purposes of clause 71(3)(c).”

**The Chair (Mr. David Oraziotti):** Any questions, comments on government motion 77?

**Mr. Peter Tabuns:** Could we just have an explanation of the intended purpose?

**The Chair (Mr. David Oraziotti):** Go ahead, Ms. Broten.

**Ms. Laurel C. Broten:** This is a technical amendment designed to clarify the scope of the regulation-making authority in relation to subsection 71(1). The revisions are designed to ensure that all elements provided for in the substantive provision, subsection 71(3), match the applicable elements of the regulation-making authority.

**The Chair (Mr. David Oraziotti):** All those in favour of government motion 77? Opposed? The motion is carried.

Shall schedule D, section 15, as amended, carry? Carried.

Schedule D, section 16: There are no amendments. Shall the section carry? Carried.

New proposed government section, schedule D, section 16.2: Ms. Mitchell, motion 78.

**Mrs. Carol Mitchell:** I move that schedule D to the bill be amended by adding the following section:

“16.2 Paragraph 6 of subsection 107(2) of the act is amended by striking out ‘78.4’ and substituting ‘78.5.’”

**The Chair (Mr. David Oraziotti):** Any further comments? All in favour of government motion 78? Carried.

Schedule D, sections 17 and 18: There are no amendments. Shall sections 17 and 18 carry? Carried.

Shall schedule D, as amended, carry? Carried.

Schedule E, section 1: There are no amendments. Shall section 1 carry? Carried.

Schedule E, section 2: There are no amendments. Shall section 2 carry? Carried.

Schedule E: There is an NDP notice. Mr. Tabuns, would you like to speak to it?

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**Mr. Peter Tabuns:** Yes. We recommend voting against schedule E to the bill. Mark Winfield made a very useful presentation about the need to retain the public right of appeal on approvals. He makes a good argument that there's little evidence that environmental approvals are a serious barrier to the development of renewable energy projects in this province and, to that end, we should leave those energy approvals subject to appeal on an environmental basis.

**The Chair (Mr. David Oraziotti):** Okay, so the debate is on schedule E. Shall schedule E carry?

**Mr. Peter Tabuns:** Recorded vote, please.

**Ayes**

Brotten, Jeffrey, Kular, Mauro, Mitchell.

**Nays**

Tabuns.

**The Chair (Mr. David Oraziotti):** That's carried.  
Schedule F, section 1: government amendment 80.

**Mrs. Carol Mitchell:** I move that subsection 58.1(3) of the Environmental Bill of Rights, 1993, as set out in schedule F to the bill, be amended by striking out "in the first half of 2010" and substituting "before the end of 2010."

**The Chair (Mr. David Oraziotti):** Any further comment? Government motion 80: All those in favour? Opposed? Carried.

Government motion 81.

**Mrs. Carol Mitchell:** I move that section 58.1 of the Environmental Bill of Rights, 1993, as set out in section 1 of schedule F to the bill, be amended by adding the following subsection:

"Powers

"(2.1) In addition to his or her powers under section 60, the Environmental Commissioner may, for the purpose of this section, require any of the following persons to prepare and submit to the commissioner, within such time as is specified by the commissioner, a report containing such information as is specified by the commissioner:

"1. The Ontario Energy Board.

"2. The Ontario Power Authority.

"3. The Independent Electricity System Operator.

"4. The smart metering entity within the meaning of the Electricity Act, 1998.

"5. A generator, transmitter or distributor, as those terms are defined in the Electricity Act, 1998.

"6. A gas distributor, gas transmitter, producer or storage company, as those terms are defined in the Ontario Energy Board Act, 1998.

"7. Any other prescribed person or class of persons."

**The Chair (Mr. David Oraziotti):** Comments to government motion 81?

**Ms. Laurel C. Brotten:** This section gives the Environmental Commissioner additional power to require the listed persons and those prescribed by regulation to prepare and submit a report containing whatever information that the commissioner requires related to energy conservation.

**The Chair (Mr. David Oraziotti):** All those in favour?

*Interjection.*

**The Chair (Mr. David Oraziotti):** A call for a recorded vote.

**Ayes**

Brotten, Jeffrey, Mauro, Mitchell, Tabuns.

**The Chair (Mr. David Oraziotti):** The motion carries.

Government motion 82.

**Mrs. Carol Mitchell:** I move that section 58.2 of the Environmental Bill of Rights, 1993, as set out in section 1 of schedule F to the bill, be amended by adding the following subsection:

"Powers

"(2.1) In addition to his or her powers under section 60, the Environmental Commissioner may, for the purpose of this section, require a prescribed person or class of persons to prepare and submit to the commissioner, within such time as is specified by the commissioner, a report containing such prescribed information as is specified by the commissioner."

**The Chair (Mr. David Oraziotti):** Any comments? All in favour of government motion 82? Carried.

NDP motion 83.

**Mr. Peter Tabuns:** I'll withdraw 83 and 84.

**The Chair (Mr. David Oraziotti):** Okay. Shall schedule F, section 1 carry as amended? Carried.

Schedule F, section 2: There are no amendments. Shall it carry? Carried.

Shall schedule F, as amended, carry? Carried.

Schedule G, sections 1, 2 and 3. There are no amendments.

Shall sections 1, 2 and 3 carry? Carried.

Schedule G, section 4: NDP motion number 85. Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** I move that section 47.5 of the Environmental Protection Act, as set out in subsection 4(1) of schedule G to the bill, be amended by adding the following subsection:

"Environmental Bill of Rights, 1993

"(5) A proposal to issue, amend or revoke a renewable energy approval shall be deemed, for the purposes of the Environmental Bill of Rights, 1993, to be prescribed by the regulations under that act as a proposal for a Class II instrument."

**The Chair (Mr. David Oraziotti):** Further comments?

**Mr. Peter Tabuns:** The approvals for renewable energy projects and facilities should be considered instruments for the purposes of the EBR. It increases the power of citizens who want to make sure that environmental protection is incorporated into any power development. I'm not happy with the section as a whole, but putting in this amendment would, at a minimum, be helpful to some.

**The Chair (Mr. David Oraziotti):** Ms. Brotten.

**Ms. Laurel C. Brotten:** The government cannot support this motion, because it's inconsistent with the basic policy and framework of the EBR, whereby instruments are prescribed by regulation, not by legislation—the act sets out a process for classifying instruments. The motion is also contrary to the policy of creating a specialized third-party appeal process for renewable energy approvals.

**The Chair (Mr. David Oraziotti):** Any further comments?

NDP motion number 85: All those in favour? Opposed? The motion is lost.

Conservative motion number 85.1: Mr. Yakabuski.

**Mr. John Yakabuski:** I move that subsection 4(1) of schedule G to the bill be amended by adding the following subsection to section 47.5 of the Environmental Protection Act:

“Environmental assessment required for wind energy facilities

“(5) The director shall not issue a renewable energy approval for a renewable energy project that involves a renewable energy generation facility that generates electricity from wind unless approval to proceed with the project has been given under part II of the Environmental Assessment Act.”

**The Chair (Mr. David Oraziotti):** Any further comments?

**Mr. John Yakabuski:** I think it’s self-explanatory.

**The Chair (Mr. David Oraziotti):** All those in favour of Conservative motion 85.1? All those opposed? The motion is lost.

Government motion number 86. Ms. Mitchell, go ahead.

**Mrs. Carol Mitchell:** I move that subsection 47.7(1) of the Environmental Protection Act, as set out in subsection 4(1) of schedule G to the bill, be struck out and the following substituted:

“Policies, renewable energy approvals

“47.7(1) The minister may, in writing, issue, amend or revoke policies in respect of renewable energy approvals.

“Same

“(1.1) A policy or the amendment or revocation of a policy takes effect on the later of the following days:

“1) The day that notice of the policy, amendment or revocation, as the case may be, is given in the environmental registry established under the Environmental Bill of Rights, 1993.

“2) The effective day specified in the policy, amendment or revocation, as the case may be.”

**The Chair (Mr. David Oraziotti):** Any further comments?

Seeing none, all in favour of government motion 86? Opposed? The motion is carried.

Shall schedule G, section 4, as amended, carry? Carried.

Schedule G, sections 5, 6, 7 and 8. There are no amendments.

Shall those sections carry? Carried.

Schedule G, section 9. Government motion 87. Ms. Mitchell.

**Mrs. Carol Mitchell:** I move that section 142.1 of the Environmental Protection Act, as set out in section 9 of schedule G to the bill, be struck out and the following substituted:

“Hearing re renewable energy approval

“142.1(1) This section applies to a person resident in Ontario who is not entitled under section 139 to require a hearing by the tribunal in respect of a decision made by the director under section 47.5.

“Same

“(2) A person mentioned in subsection (1) may, by written notice served upon the director and the tribunal within 15 days after a day prescribed by the regulations, require a hearing by the tribunal in respect of a decision made by the director under clause 47.5(1)(a) or subsection 47.5(2) or (3).

“Grounds for hearing

“(3) A person may require a hearing under subsection (2) only on the grounds that engaging in the renewable energy project in accordance with the renewable energy approval will cause,

“(a) serious harm to human health; or

“(b) serious and irreversible harm to plant life, animal life or the natural environment.”

**The Chair (Mr. David Oraziotti):** Any further comments? Ms. Broten.

**Ms. Laurel C. Broten:** The early parts with respect to the amendment are technical in nature. Subsection (3) seeks to make consistent the grounds of appeal and reflects the government’s intention to ensure that serious harm to human health is a key priority.

**The Chair (Mr. David Oraziotti):** Any further comments?

Government motion 87: All those in favour? Opposed? The motion is carried.

NDP motion number 88: Mr. Tabuns, go ahead.

**Mr. Peter Tabuns:** Withdrawn, and 89 as well, Mr. Chair.

**The Chair (Mr. David Oraziotti):** Sorry?

**Mr. Peter Tabuns:** Go ahead.

**The Chair (Mr. David Oraziotti):** Shall schedule G, section 9, as amended, carry? All those in favour? Carried.

It has been pointed out that it is 6 o’clock and we have some time scheduled on Wednesday, so the committee is adjourned until Wednesday at 4 o’clock.

*The committee adjourned at 1802.*





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